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The City of Whitesburg, Kentucky – U.S. Army Corps of Engineers photo

Environmental Assessment
Section 531 Project
Crafts Colley Sanitary Sewer Extension – Phase I
Contract B-Dry Fork Addition Project
Letcher County Fiscal Court
Whitesburg, Kentucky

March 27, 2015

Amy Redmond and Joy Broach
For Information, Contact:
Joy Broach
U.S. Army Corps of Engineers
Nashville District
P.O. Box 1070 (PM-P)
Nashville, Tennessee 37202-1070
Telephone: (615) 736-7956
Email: CorpsLRNPlanningPublicCom@usace.army.mil

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Acronyms

BMP's – Best Management Practices
CEQ – Council on Environmental Quality
CFR – Code of Federal Regulations
CWA – Clean Water Act
DAQ – Kentucky Division of Air Quality
dB – Decibels
°F– Degrees Fahrenheit
EA – Environmental Assessment
EIS – Environmental Impact Statement
EO – Executive Order
EPA – Environmental Protection Agency
ESA – Environmental Site Assessment
FPPA – Farmland Protection Policy Act
FONSI – Finding of No Significant Impact
HTRW – Hazardous, Toxic or Radioactive Waste
KDFWR – Kentucky Department of Fish and Wildlife Resources
KPDES – Kentucky Pollutant Discharge Elimination System
KRADD – Kentucky River Area Development District
LF– Linear Feet
Mgd – Million Gallons per Day
NAAQS – National Ambient Air Quality Standards
Nashville District – U.S. Army Corps of Engineers, Nashville District
NEPA – National Environmental Policy Act
NHPA – National Historic Preservation Act
NRCS-Natural Resources Conservation Service
NRHP – National Register of Historic Places
REC – Recognizable Environmental Condition
SEI – Summit Engineering Inc.
NFKRM – North Fork Kentucky River Mile
USACE – U.S. Army Corps of Engineers
USCB – U.S. Census Bureau
USDA – U.S. Department of Agriculture
USFWS – U.S. Fish and Wildlife Service
WRDA – Water Resources Development Act

SUMMARY

The non-Federal sponsor for the Crafts Colley Sanitary Sewer Extension – Phase I; Contract B – Dry Fork Addition Project located in the City of Whitesburg, Kentucky is the Letcher County Fiscal Court. The Letcher County Fiscal Court intends to provide +/- 93 existing customers (businesses and residents) in the areas of Crafts Colley Creek, along Route 15, and along Dry Fork Creek with wastewater collection and treatment. The Dry Fork Addition consists of constructing approximately 20,000 linear feet (LF) of force mains with residential connections in order to provide public sanitary sewer to +/- 35 new customers. The new customers to be served are located along KY Route 3401 and 588 and the collection system would tie-in to the existing Parkway Inn Lift Station located on KY Route 15 (Figure 1). In addition, a complete rehabilitation of the existing Parkway Inn lift station would be accomplished. The Dry Fork Addition is an independent project because force mains and customer service could be installed and connected to the existing Parkway Inn Lift Station without the construction of the Crafts Colley Creek and Route 15 wastewater collection systems (Figure 2).

Information for this Environmental Assessment (EA) was collected from federal, state, and local agencies and databases. Areas of concern including aquatic and terrestrial ecosystems, wetlands, socioeconomics, hazardous, toxic, and radioactive waste (HTRW), endangered species, and cultural resources were evaluated for potential adverse effects for the No Action and Preferred Action Alternatives.

SECTION 1 – PROJECT DESCRIPTION

1.1 Project Background

Residents of the Dry Fork Creek area currently rely on privately owned package plants, septic tanks, or straight pipes to handle their wastewater. According to Summit Engineering, Inc. (2014), Letcher County has no public sewer lines that extend west and south of the Parkway Inn Lift Station to serve these residents that live outside the Whitesburg city limits. This project would be the first County sewer project for Letcher County that would connect to the existing City of Whitesburg Wastewater Collection System. Wastewater would be treated at the Whitesburg Wastewater Treatment Plant and discharged into the North Fork Kentucky River.

The existing Whitesburg Wastewater Treatment Plant treats an average daily load of approximately 0.3 million gallons per day (mgd) from approximately 685 existing customers and has a Kentucky Pollutant Discharge Elimination System (KPDES) permitted capacity of 0.6 mgd. This plant provides a reserve capacity of 0.3 mgd to promote the future growth of the community. The initial phase of the Crafts Colley Sanitary Sewer Extension would contribute an additional 0.052 mgd to the plant. The existing plant has the capacity to treat the project flow.

This proposed project is a cooperative agreement between the Letcher County Fiscal Court and USACE, established by authority of Section 531 of the Water Resources Development Act (WRDA) of 1996 (PL104-33). Funding, as established under Section

531, shall be shared 75% Federal (USACE) and 25% non-Federal (State and Local Government). The proposed project is located in Kentucky's 5th Congressional District. The area is represented by Kentucky Senate District 29 and House District 94.

1.2 Project Authority

Section 531 of WRDA of 1996 which provides authority for the Secretary of the Army to establish a program to provide environmental assistance to non-Federal interests in 29 counties in the 5th Congressional District in eastern and southern Kentucky. Section 531 provides assistance in design and construction of water-related environmental infrastructure in Kentucky. Projects include wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

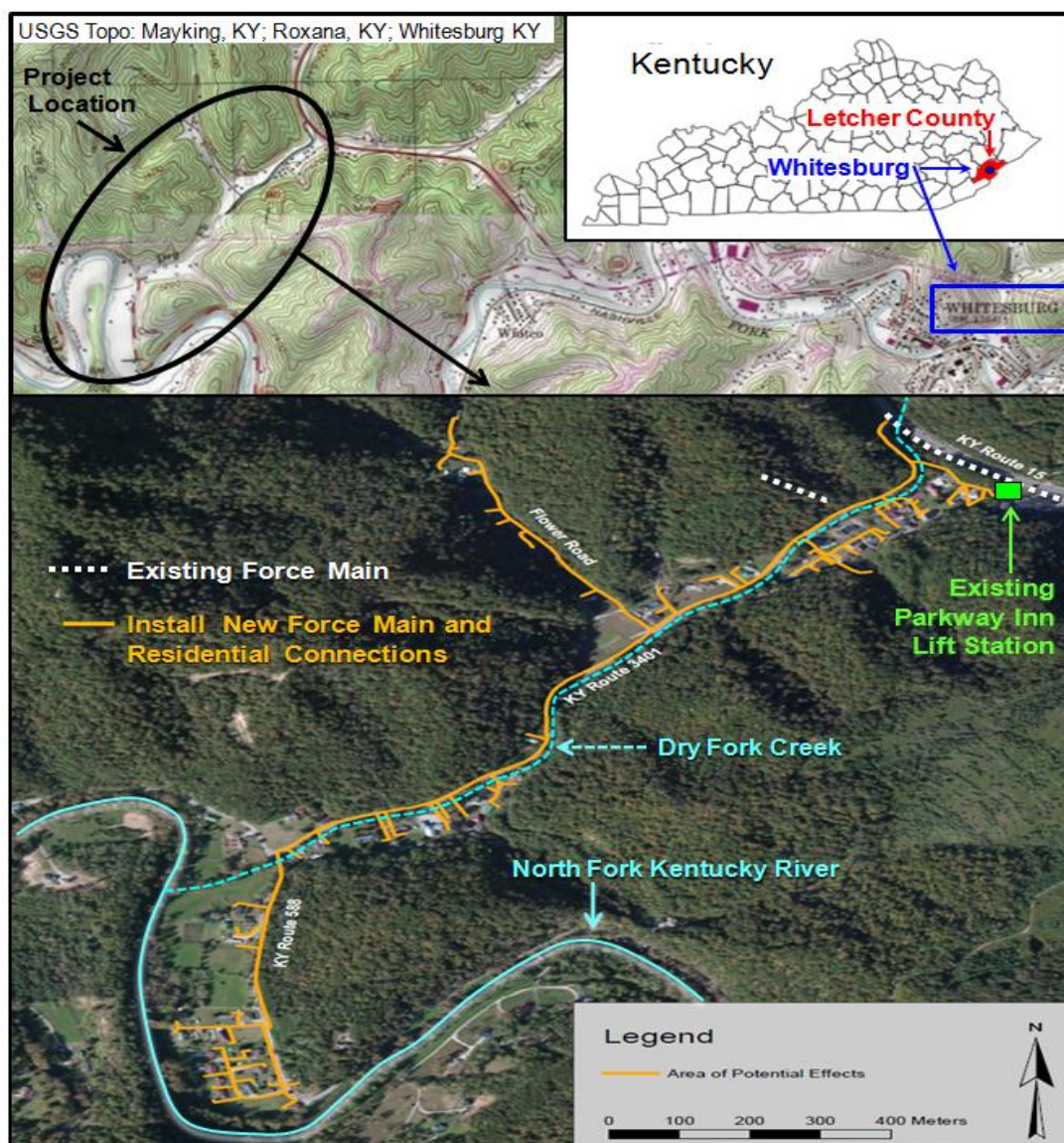


Figure 1. Project vicinity map in Letcher County, Kentucky

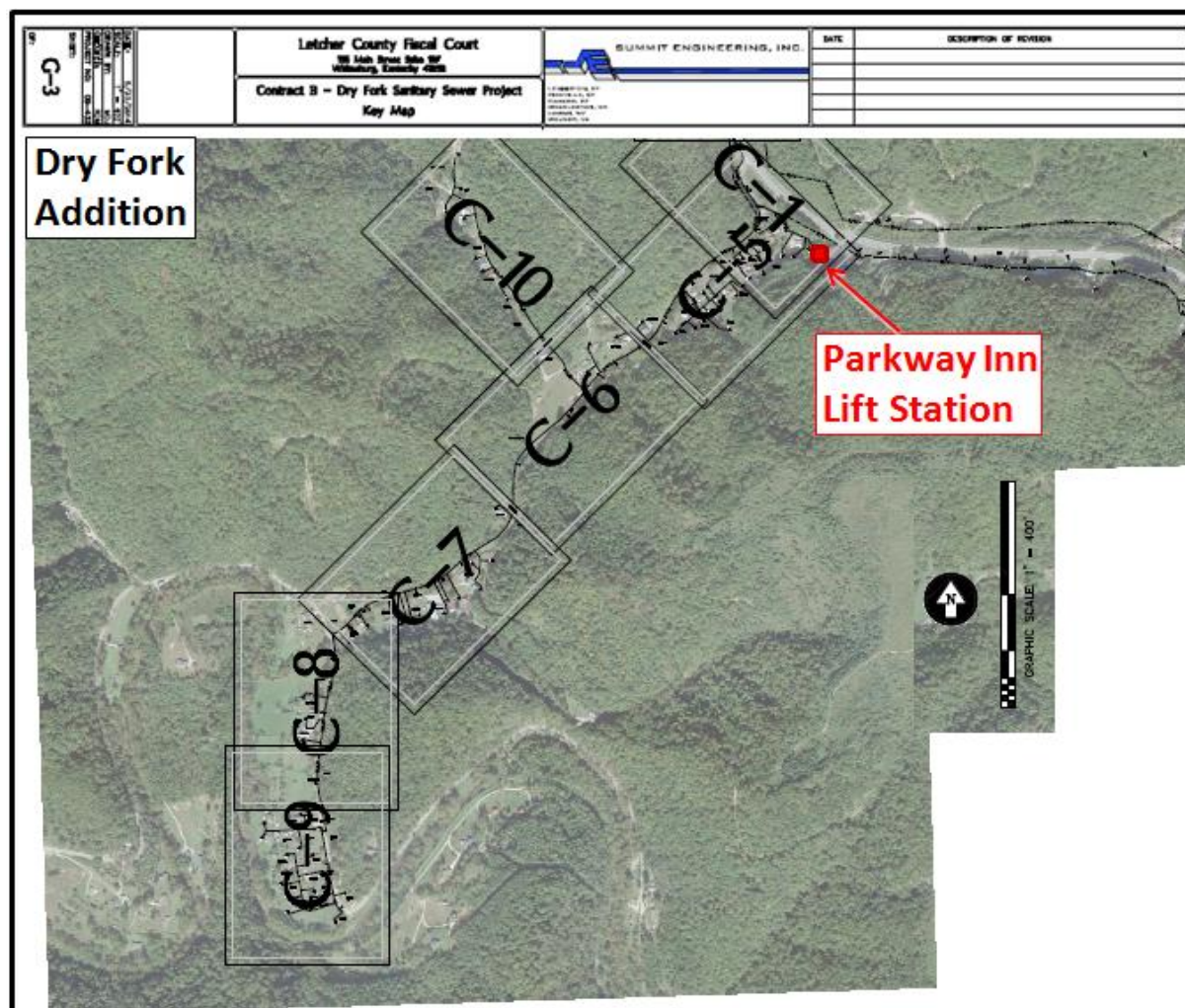


Figure 2. Project location map key of the Contract B-Dry Fork Addition Project.

Pursuant to Section 102 of the National Environmental Policy Act (NEPA) of 1969, as implemented by the regulations promulgated by the President's Council on Environmental Quality (40 Code of Federal Regulations (CFR) Parts 1500-1508), and the USACE implementing regulation, Engineer Regulation 200-2-2, 1988, this EA was prepared by USACE with information provided by the Kentucky River Area Development District on behalf of the Letcher County Fiscal Court. This EA analyzes the potential environmental impacts of the project, and determines whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

1.3 Statement of Purpose and Need

The purpose of this proposed project is to provide public sewer service to the Dry Fork area under Section 531 to the Letcher County Fiscal Court. The quality of living for people in the targeted residential neighborhoods, as well as the water quality in the Dry Fork Creek and North Fork of the Kentucky River would be improved by this project by providing an alternative to wastewater disposal to those people who currently rely on

other disposal methods such as privately owned package plants, septic tanks, or straight pipes. While privately owned package plants and septic tanks can provide adequate treatment, owners often tend to neglect their treatment systems over time. This tendency increases the likelihood that these facilities eventually become compromised and directly discharge untreated wastewaters to the surrounding area. When untreated wastewater is released into the environment, wastewater can become a public health hazard that promotes the spread of diseases caused by waterborne bacteria and viruses, depletes the dissolved oxygen in waterbodies (such as lakes, rivers, and streams), and seriously affects or even eliminates aquatic life, and makes waterbodies unsafe for contact recreation.

1.4 Prior NEPA Documentation

No previous NEPA documentation has been completed for the proposed Crafts Colley Sanitary Sewer Extension – Phase I; Contract B – Dry Fork Addition Project.

SECTION 2 – PROPOSED ALTERNATIVES

2.1 No Action Alternative

The “No Action” Alternative would deny Federal funding for wastewater collection improvements through the Section 531 program. The result is continued failing septic systems and straight pipes that would cause unsafe and hazardous conditions to the environment and public health. Delayed action by the non-Federal sponsor would deter growth and development within the area.

2.2 Preferred Action Alternative

The Preferred Action Alternative for the Dry Fork Addition project consists of installing approximately 20,000 LF of force mains with residential connections, and rehabilitating the Parkway Inn Lift Station. There would be fourteen crossings under Dry Fork Creek to connect the residents to the force mains. This alternative would connect to the existing city sewer system. Treatment would occur at the city’s wastewater treatment plant. The project map locations of the proposed force main with residential connections, stream crossings, and the Parkway Inn Lift Station can be found in Appendix C.

2.3 Eliminated Alternatives

Alternative 3: An alternative action would consist of a gravity sewer collection system. Due to the topography of this area and the location of the current wastewater treatment facility this alternative would result in extraordinary high costs due to extremely deep trenches necessary to achieve the necessary flow for the sewer system to operate. In addition, at some point force mains would be required to allow the system to flow towards the current treatment facility. This option was removed from consideration due to the cost.

Alternative 4: This option consists of upgrading treatment options on site. Most of the properties within this area do not have soils and space suitable for an on-site treatment

system. This option is not viable and does not allow for future development of the valley.

SECTION 3 – ENVIRONMENTAL SETTING AND CONSEQUENCES

3.1 Location/Land Use

Existing Condition: Letcher County is located in southeastern Kentucky (Figure 3) on the border with Virginia in the Eastern Coal Field physiographic region. The City of Whitesburg is located mostly in the Cumberland Mountain Thrust Block Ecoregion 69e and a small portion in the Cumberland Plateau Ecoregion 69d (Woods et. al. 2002). The area is characterized by mountainous terrain, high, steep ridges, hills, coves, narrow valleys, and rapid surface runoff. Elevations in Letcher County range from 940 to 3,720 feet above mean sea level (Woods et. al. 2002). Pine Mountain runs along the county line from southwest to northeast. Land cover consists of forests, extensive coal mines, and pasture. The land use in the project footprint consists of urban and residential areas that are mowed with paved roads. Sewer lines would be constructed in road right-of-ways and private lawns. The Parkway Inn Lift Station would be rehabilitated with updated equipment.

No Action and Preferred Action Alternatives: No alternative would alter the existing landscape and use.

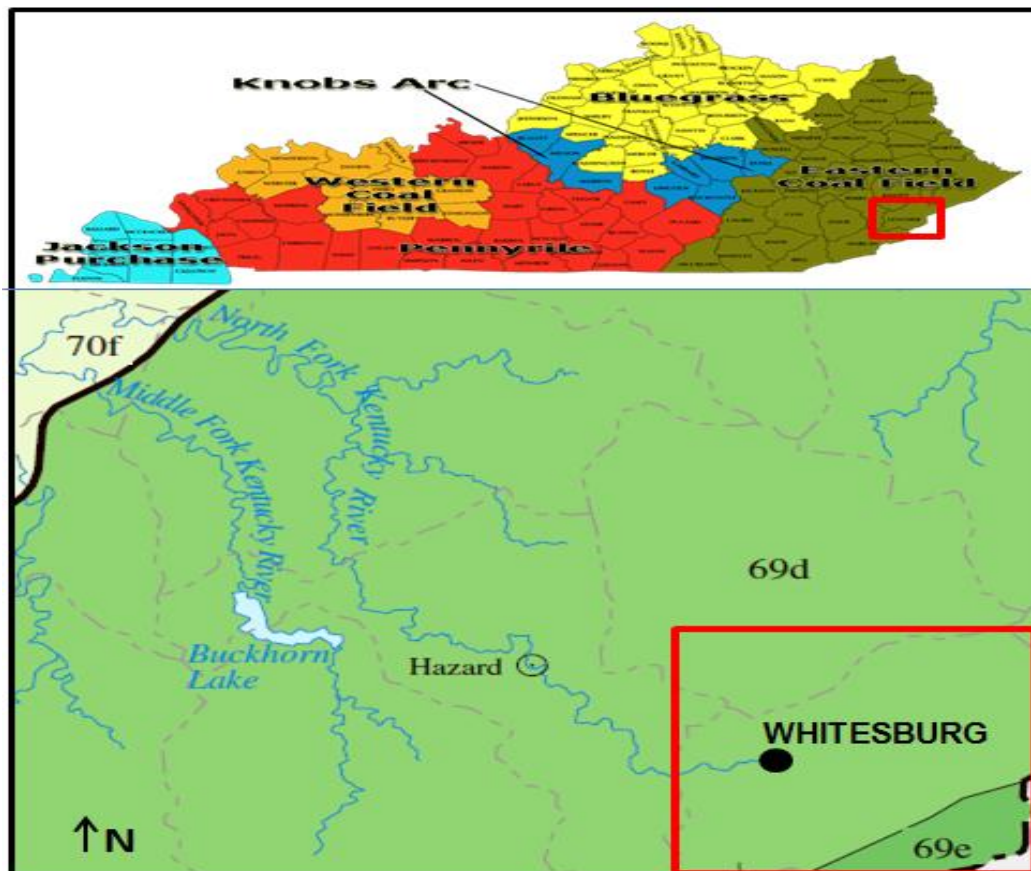


Figure 3. Eastern Coal Fields, Ecoregion 69d and 69e for Letcher County, Kentucky

3.2 Soils

Existing Condition: According to the National Resources Conservation Service (NRCS) Web Soil Survey (2014) the Dry Fork Addition is located in Udorthents-Urban land soils that have a 0 to 15 % slope (Figure 4 and Table 1).

No Action Alternative: No soil would be disturbed under this alternative. However, the No Action Alternative would result in continued failing septic systems and straight pipes would contaminate the ground water and surface.

Preferred Action Alternative: Under the Preferred Action Alternative, 2.75 acres of area would be disturbed. Insignificant soil loss from disturbance or indirectly via wind and/or storm water would be addressed by implementing construction Best Management Practices (BMP's). An erosion and sedimentation control plan would be implemented by using silt fences, coir rolls, straw wattles, re-vegetation, and maintaining soil stockpiles during construction to prevent erosion and off-site sediment loss. Upon completion of the installation of the force main with residential connections and tie-in to the Parkway Inn Lift Station, seeding and stabilization of affected areas would be completed. Impacts would be minor, localized, and of short duration.



Figure 4. NRCS soils map of the Dry Fork project location.

Table 1. Dry Fork Soils Map Unit Definitions.

Dry Fork Soils Map in Letcher County, Kentucky	
Map Unit Symbol	Map Unit Name
CkF	Cloverlick-Kimper-Highsplint complex, 30% to 65% slopes, very stony
ShF	Shelocta-Highsplint-Gilpin complex, 20% to 75% slopes, very stony
uRgrB	Rowdy-Grigsby complex, 0% to 6% slopes, occasionally flooded
uUdoC	Udorthents-Urban land complex, 0% to 15% slopes
uUduE	Udorthents-Urban land-Rock outcrop complex, 0% to 35% slopes

3.3 Climate

Existing Condition: The North Fork Kentucky River Basin has a temperate moist climate with moderate temperatures. The average January minimum temperature is 20 degrees Fahrenheit ($^{\circ}\text{F}$), and the average maximum is 44 $^{\circ}\text{F}$. The average July minimum temperature is 62 $^{\circ}\text{F}$, and the average maximum is 86 $^{\circ}\text{F}$ (Woods et. al. 2002). The average growing season is about 172 days. Annual precipitation ranges between 45 and 55+ inches (Woods et. al. 2002).

No Action and Preferred Action Alternatives: No alternative would affect the climate. The sewage collection system is a closed system that is protected from seasonal climate changes.

3.4 Floodplain

Existing Condition: Executive Order (EO) 11988 requires Federal agencies to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. In accomplishing this objective, "each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities" for the following actions:

- acquiring, managing, and disposing of federal lands and facilities;
- providing federally-undertaken, financed, or assisted construction and improvements;
- conducting federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulation, and licensing activities.

The order considers if the proposed action is in the base floodplain, which is the area that has a one percent or greater chance of flooding in any given year. The Federal Emergency Management Agency (FEMA) flood maps (Figure 5) were used to identify the base floodplain. According to these maps, the upper half of the proposed installation of the force main with residential connections and tie-in to the Parkway Inn Lift Station are located outside the 100-year floodplain. The lower half of the proposed installation of the force main with residential connections is located in the 100-year North Fork Kentucky

River and Dry Fork Creek floodplain. The force main, residential connections, and tie-in to the Parkway Inn Lift Station are of insufficient size to pose any obstruction to flood flows and would not affect existing flood levels. There would be minimal and short term impacts to the floodplain. Construction and operation would occur in the 100-year floodplain for half the project; therefore a Kentucky Floodplain Construction Permit would be required.

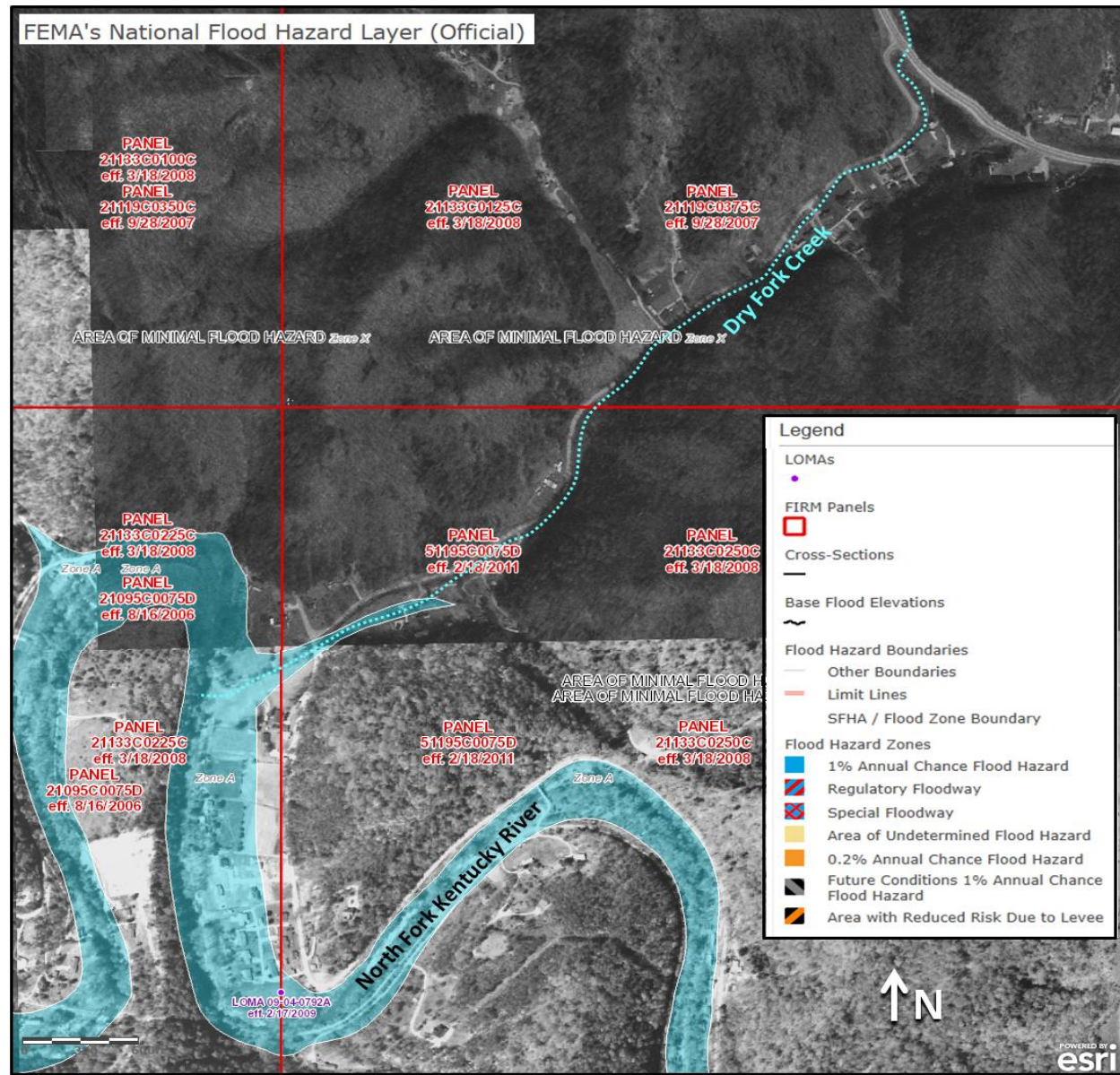


Figure 5. FEMA Flood Map – North Fork Kentucky River/Dry Fork Creek.

No Action Alternative: Under this alternative, the force main, residential connections, and tie-in to Parkway Inn Lift Station would not be constructed. The floodplain would continue to be at risk for raw sewage spillage that may potentially flow into Dry Fork Creek and the North Fork Kentucky River, which would degrade water quality.

Preferred Action Alternative: This alternative would have minimal and short term impacts to the floodplain during active site preparation and construction activities. Appropriate BMP's would minimize potential harm within the floodplain.

3.5 Vegetation and Wildlife

Existing Condition:

The natural vegetation surrounding the project footprint consists of mixed mesophytic forests. On the upper slopes in sites formerly occupied by the American chestnut (*Castanea dentata*), oak forests are found and are dominated by chestnut oak (*Quercus prinus*), red maple (*Acer rubrum*), white oak (*Quercus alba*), and black oak (*Quercus velutina*). On middle and lower north- and east-facing slopes forests are dominated by American beech (*Fagus sylvatica*), yellow poplar (*Liriodendron tulipifera*), and sugar maple (*Acer saccharum*) with a diverse understory of small trees, shrubs, and herbs. Common co-dominant trees include ash (*Fraxinus spp*), basswood (*Tilia spp*), buckeye (*Aesculus glabra*), hemlock (*Tsuga spp*), and magnolia (*Magnolia spp*). Middle and lower south- and west-facing slopes are chiefly dominated by white oak with mountain laurel (*Kalmia latifolia*) in the understory. Common co-dominate trees include black oak, scarlet oak (*Quercus coccinea*), post oak (*Quercus stellata*), mockernut (*Carya tomentosa*) hickory (*Carya spp*), pignut hickory (*Carya glabra*), blackgum (*Nyssa sylvatica*), and sourwood (*Oxydendrum arboreum*). Mesic coves and bottomlands contain a mix of mesophytic forests or hemlock and magnolia with a rhododendron (*Rhododendron* genus) understory (Woods et. al. 2002). Forest wildlife is comprised of various species of mammals, birds, reptiles, and amphibians.

Existing vegetation in the residential neighborhood within the project footprint consists of mowed lawns, road-right-of-ways, and paved roadways. No trees would be removed for this project. Dominant wildlife consists of animals tolerant of urban conditions such as American robins (*Turdus migratorius*), American crows (*Corvus brachyrhynchos*), blue jays (*Cyanocitta cristata*), northern cardinals (*Cardinalis cardinalis*), Virginia opossum (*Didelphis virginiana*), striped skunks (*Mephitis mephitis*), raccoons (*Procyon lotor*), eastern cottontail (*Sylvilagus floridanus*), and white-tailed deer (*Odocoileus virginianus*).

No Action Alternative: No lawns, road-right-of-ways, paved roads, or urban wildlife would be disturbed under this alternative.

Preferred Action Alternative: The Preferred Action Alternative would generate short term disturbances to lawns and mowed areas. No trees will be cut for this project. All disturbed ground cover would be stabilized and seeded on project completion. Urban wildlife would be temporarily disturbed but would be expected to return to the area on project completion.

3.6 Water Quality

Existing Condition: The Clean Water Act (CWA), as amended in 1977, established the basic framework for regulating discharge of pollutants into the waters of the United States. The project is located in the Kentucky River Headwaters watershed identified as Hydrologic Unit Code (HUC) 05100201010 (Figure 6). Dry Fork Creek enters the

North Fork Kentucky River mile (NFKRM) at approximately 143.5, which is located within NFKRM 132.0 (Town of Blackey) to 145.5 (City of Whitesburg). This river segment has been classified to support warm water aquatic habitat, fish consumption, and primary and secondary contact recreation. According to the 2010 Kentucky 305(b) map and 2012, 303(d) List; North Fork Kentucky River is impaired due to sedimentation and siltation. It is also impaired for primary contact under recreation use (Figure 6) due to fecal coliform. A swimming advisory is posed for the river from Chavies, KY to the headwaters (upstream Whitesburg) in which the project is located.

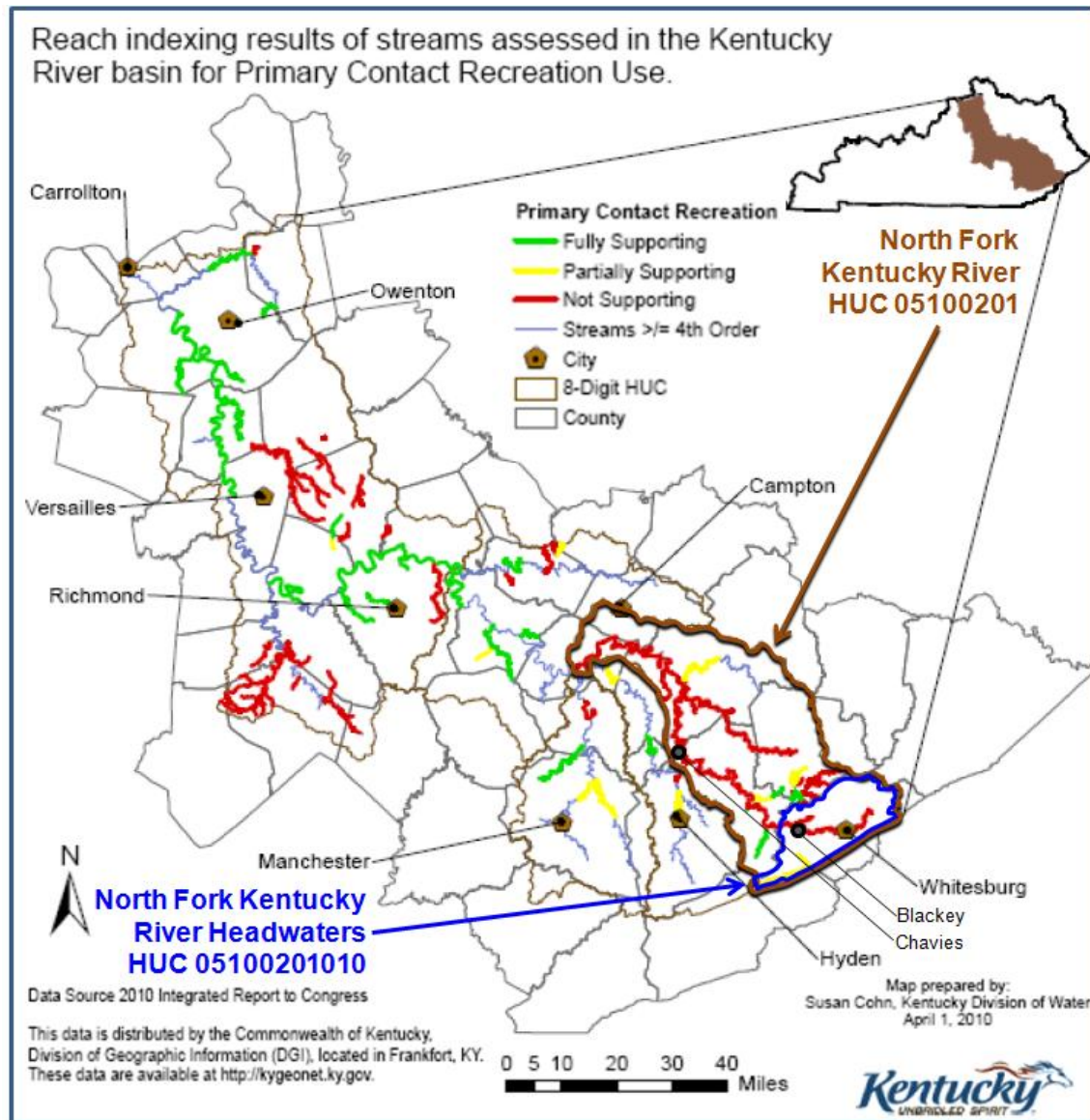


Figure 6. River and stream assessments in the vicinity of City of Whitesburg, Kentucky

No Action Alternative: Under this alternative, the force main, residential connections, and tie-in to the Parkway Inn Lift Station would not be constructed. This action continues the risk of raw sewage discharges into the surrounding area.

Preferred Action Alternative: The Preferred Action Alternative would install a force main with residential connections and tie-in to the Parkway Inn Lift Station as a proactive measure to minimize the risk of raw sewage spillage. There would be approximately 2.75 acres of impacted ground disturbance. To minimize ground surface disturbance and storm water runoff during construction BMP's would be utilized that include but are not limited to, erosion and sediment control plans and proper grading procedures. Multiple stream crossings using directional boring technique would be required to accomplish this project. All directional borings would be done in accordance with USACE and Kentucky Division of Water permits. The non-Federal sponsor would obtain all stream crossing/construction, floodplain, storm water, and construction for a clean water collection system permits, and water quality certification prior to construction. This action is protective of human health and safety and the terrestrial and water resources of the Kentucky River Watershed.

3.7 Wetlands

Existing Condition: EO 11990, Protection of Wetlands, requires Federal agencies to evaluate and minimize impact to wetlands. The goal of the policy is to ensure that there is no net loss of wetlands. A review of U. S. Fish and Wildlife Service (Service) National Wetland Inventory information indicated there are no wetlands present where the installation of force main with residential connections and tie-in to the Parkway Inn Lift Station are located. This infrastructure is located in upland locations.

No Action and Preferred Action Alternatives: No alternative would affect wetlands.

3.8 Wild and Scenic Rivers

Existing Conditions: There are no Wild and Scenic Rivers located in this project area.

No Action and Preferred Action Alternatives: No alternative would affect these resources.


3.9 Federally Listed Species

Existing Condition: A review of the Service's website for listed species in Letcher County, Kentucky identified three federally listed species (Table 2). Two listed species are bats and one listed species is a fish. The table includes a candidate fish species and a bat proposed for listing as endangered (Table 2).

No Action and Preferred Action Alternatives: No alternative would affect federally listed species. Work is confined to roads, road right-of-ways, driveways, lawns, and limited stream crossings under Dry Fork Creek. The existing ground is mowed grass or paved road. No trees would be removed in the project footprint; therefore no bat habitat would be removed and disturbance to bats would be minimized. The project would use directional boring to cross under the Dry Fork Creek streambed to connect residents to the force main collection system. According to the Kentucky Geological Survey (2009 and 2009a), the Poor Fork Cumberland River watershed is HUC 05130101010 where the listed fish are found (Table 2). The project is located in the North Fork Kentucky River headwaters watershed HUC 05100201010 where the listed fish are not found (Figure 6) and would not be affected by this project. The USFWS noted by email dated

January 20, 2015, that no significant adverse impacts to listed endangered or threatened species are anticipated by this proposed project (Appendix A).

Table 2. Federally listed species in Letcher County, Kentucky.

 U.S. Fish & Wildlife Service Kentucky Ecological Services Field Office					
330 W. Broadway, Room 265 Frankfort, KY 40601 Phone: 502-695-0468 Fax: 502-695-1024					
Endangered, Threatened, Proposed & Candidate Species in LETCHER County, Kentucky					
Group	Species	Common name	Legal* Status	Known** Potential	Special Comments
Mammals	<i>Myotis sodalis</i>	Indiana bat	E	K	
	<i>Myotis grisescens</i>	gray bat	E	K	
	<i>Myotis septentrionalis</i>	Northern long-eared bat	P	K	
Fishes	<i>Phoxinus cumberlandensis</i>	blackside dace	T	K	Blackside dace occur within HUC 0513010101 in Letcher County.
	<i>Etheostoma sagitta</i>	Cumberland arrow darter	C	K	Cumberland arrow darter occur within HUC 0513010101 in Letcher County.
NOTES: * Key to notations: E = Endangered, T = Threatened, P = Proposed, C = Candidate, CH = Critical Habitat **Key to notations: K = Known occurrence record within the county, P = Potential for the species to occur within the county based upon historic range, proximity to known occurrence records, biological, and physiographic characteristics. FWS 2013 SPP LIST Final Revised (1): LETCHER Updated November, 2013					

3.10 Hazardous, Toxic, or Radioactive Waste

Existing Conditions: Wastewater collection facilities generally do not generate hazardous wastes during operational processes. The construction, operation, and replacement of wastewater collection lines do not require the purchase, use, storage, or generation of hazardous wastes for daily operational processes. An HTRW Limited Phase I Environmental Site Assessment (ESA) was prepared for USACE by Summit Engineering, Inc. HTRW includes any material listed as a "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act. The purpose of this Limited Phase I ESA was to obtain and evaluate data about the environmental condition, or potential for a recognizable environmental condition (REC) which could pose a liability to the government as a result of acquisition, easement or cost share. A Limited Phase I is an abbreviated Phase I ESA that fulfills many components of the regulation 40 CFR 312 Standards and Practices for All Appropriate Inquiries. A Limited Phase I ESA was completed on September 19, 2014, for the Dry Fork Addition which consists of the construction of approximately 20,000 LF of force mains with residential connections to provide public sanitary sewer to +/- 35 new customers. In addition, the Parkway Inn Lift Station would be rehabilitated with updated equipment. Site visit, environmental records review, environmental lien/covenant search, and owner proxy interview did not identify any HTRW recognizable environmental conditions (RECs) at the proposed work. Based on the findings, USACE determined there were no HTRW RECs identified in the proposed work area. There

were potential acid mine drainage areas within the vicinity of the work area, but acid mine drainage is not categorized as an HTRW REC, but is potentially a work safety concern. It is recommended that workers minimize exposure to acid water (pH less than 6) during work activities. Per Memorandum for Record, (Appendix A) no further environmental site assessment is recommended for this site.

No Action and Preferred Action Alternatives: No alternative would be affected by HTRW.

3.11 Cultural Resources

Existing Condition: Prehistoric and historic period archaeological sites exist along the banks and floodplains of the Kentucky River and its tributaries, which document activities by Native Americans and early European-American descendants that lived in Letcher County, Kentucky. The Area of Potential Effects (APE) would encompass the footprint of the force main sewer lines which covers approximately 20,000 LF and rehabilitation of the Parkway Inn Lift Station. No historic properties listed or eligible for listing in the National Register of Historic Places (NRHP) are located in the APE. The APE has been previously disturbed from construction activities associated with existing roads, ditch lines, telephone poles, and residential developments. No historic properties listed or eligible for listing in the NRHP would be affected by this proposed undertaking.

The primary requirements for the consideration of cultural resources stem from Section 106 of the National Historic Preservation Act of 1966 (NHPA) as implemented by regulations at 36 CFR 800. The Letcher County Sewer Upgrade Project is an undertaking of the USACE; therefore, the effects of its implementation on historic properties must be considered. Historic properties are properties, including archeological sites and standing structures that have been determined eligible for or are listed on the NRHP. A letter detailing the level of effort to identify historic properties in addition to previous cultural resource investigations within the project area was submitted to the Kentucky Heritage Council (KHC) for their review and concurrence on January 8, 2015.

Consultation with Federally recognized Native American tribes was initiated via a letter dated January 8, 2015. USACE made a determination of "no effects to historic properties" and on February 2, 2015, the KHC concurred with USACE findings. On January 15, 2015, the Chickasaw Nation informed USACE by email that the proposed project was outside their homeland region. The United Keetoowah Band of Cherokee Indians responded by email on January 28, 2015 stating that they had no objection to the proposed project and requested to be contacted if remains or cultural artifacts are inadvertently discovered. Please reference Appendix D for additional information regarding Section 106 consultation with the KHC and Federally recognized Native American tribes.

No Action Alternative: Under the No Action Alternative no historic properties, listed or eligible for listing would be affected.

Preferred Action Alternative: The Preferred Action Alternative would also have no effects to historic properties. The APE has been previously disturbed from existing

residential development and infrastructure involving roads, ditch lines and telephone poles. Based on these conditions the potential for significant intact cultural deposits is very low. Due to the nature of the project undertaking, there are no visual effects to historic structures, buildings, objects, or landscapes. Therefore, there are no historic properties present in the APE, and no impacts to historic properties would occur from the Preferred Action Alternative.

3.12 Air Quality

Existing Condition: Under the Clean Air Act, the U.S. Environmental Protection Agency (EPA) establishes primary and secondary air quality standards. Primary air quality standards protect the public health, including the health of “sensitive populations, such as people with asthma, children, and older adults.” Secondary air quality standards protect public welfare by promoting ecosystems health, preventing decreased visibility, and damage to crops and buildings. EPA has set national ambient air quality standards (NAAQS) for six of the following criteria pollutants; ozone (O₃), particulate matter (PM 2.5 and 10), nitrogen dioxide (NO₂), carbon monoxide (CO), sulfur dioxide (SO₂), and lead (Pb).

The Kentucky Division of Air Quality (KDAQ) - Ambient Air Quality 2014 Annual Report was reviewed to determine if Letcher County has any air quality problems based on the KDAQ data. No problems with any of the parameters monitored by the KDAQ were observed in Letcher County. Letcher County is classified as in attainment, meaning criteria for air pollutants do not exceed the NAAQS.

No Action Alternative: This alternative would not affect existing air quality.

Preferred Action Alternative: The Preferred Action Alternative would have temporary, localized, and negligible impacts on air quality from vehicle and equipment exhaust and from fugitive windborne dust. These effects would be minimized by ensuring vehicle and equipment exhaust systems are in good repair. Dust could be controlled with daily road sweeping or water spraying if needed. On project completion, air quality would return to ambient conditions.

3.13 Noise

Existing Condition: Major contributors of outdoor noise come from transportation (county roads and highways) construction, and human and animal sources. The daily noise exposure to people depends on how much time they spend in different outdoor locations and on the noise levels in these places. Noise levels are not a single "peak" level. Instead, they represent averages of sound measured in decibels (dB) over short (8 hours or 24 hours), and long (years) periods of time. A 24-hour exposure level of 70 dB is considered the level that would prevent any measurable hearing loss over a lifetime. Occasional higher noise levels (greater than 70 dB) in a 24-hour period occurs, however, this is not considered problematic so long as a sufficient amount of relative quiet is experienced for the remaining period of time. Generally 55 dB is identified for outdoor areas where human activity takes place (EPA 2014). Existing sources of ambient noise comes from traffic on KY Routes 15, 588, and 3401.

No Action Alternative: Under this alternative, the force main lines with residential connections would not be constructed, and the Parkway Inn Lift Station would not be rehabilitated. There would be no change to existing background noise. However, when raw sewage spillage issues occur, background noise would increase from vehicles and construction equipment used to make repairs. Noise would abate when repairs were completed.

Preferred Action Alternative: Under the Preferred Action Alternative, added noise would come from construction of approximately 20,000 LF of a new force main sewer collection system with residential connections along KY Routes 15, 588, and 3401. There would be some noise associated with the Parkway Inn Lift Station rehabilitation (Figure 1). Additional noise levels from these activities would be short-term and localized, and would be confined to weekdays during daylight hours. Additional noise levels would be negligible and cease on project completion.

3.14 Socioeconomics

Existing Condition: U.S. Census Bureau (USCB) data was reviewed to identify the major industries in the City of Whitesburg, Kentucky. Coal mining was once the dominant industry. The current dominant industries are retail trade followed by health care and social assistance, education, arts entertainment and recreation, accommodation and food services, agriculture, forestry, fishing and hunting, and some mining.

EO12898 (*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*) requires federal agencies, departments, and their contractors to consider any potentially disproportionate human health or environmental risks their activities, policies, or programs may pose to minority or low-income populations. A review of Table 3 shows that the City of Whitesburg and Letcher County do not have minority populations that exceed 50% of the general population. The City of Whitesburg and Letcher County had equal percentages of minorities that were lower than the state percentage.

Table 3. Socioeconomic Statistics

Parameter*	City of Whitesburg	Letcher County	Kentucky
Population Estimate	2,139	23,619	4,395,295
Unemployment Rate	5.9%	12.3%	9.8%
Median Household Income	\$29,125	\$31,200	\$43,036
Percent Minorities	2.1%	2.1%	12.2%
Percent Below Poverty in past 12 Months	26.0%	25.3%	18.8%
Percent under 18 years old	20.7%	21.1%	23.4%

Source: U.S. Census Bureau FactFinder – 2009-2013 5-Year American Community Survey

Table 3 shows that the median income and unemployment rate for the City of Whitesburg was lower than the county and the state rates. However, the poverty rate for the City of Whitesburg (26.0%) was higher than Letcher County (25.3%) and state

rate (18.8%). Low-income populations are identified using the USCB's statistical poverty threshold. The USCB defines a "poverty area" as a Census tract with 20% or more of its residents below the poverty threshold. As shown in Table 3, the City of Whitesburg and Letcher County have more than 20% of their residents that are higher than the poverty threshold (20%) and therefore can be defined as "poverty areas."

EO 13045 (*Protection of Children from Environmental Health Risks and Safety Risks*) requires federal agencies to identify and assess health risks and safety risks that may disproportionately affect children as part of the NEPA compliance process. Agencies must ensure that its policies, programs, activities, and standards address disproportionate risks to children that results from environmental health risks or safety risks.

No Action Alternative: Under the No Action Alternative, low-income populations and children could be adversely affected if the project did not occur. Residents including children of all income levels would be equally vulnerable to raw sewage discharge.

Preferred Action Alternative: The Preferred Action Alternative is designed to be affordable and alleviate the need for a significant utility rate increase for the residents of these impoverished communities. Minority or low-income populations would not be disproportionately impacted by the sanitary sewer extension project. The community, as a whole, would benefit from the reduced risk of raw sewage discharge and reduced risk of exposure to wastewater pathogens. The alternative would be proactive and benefit residents identified under EO 12898 and 13045.

3.15 Prime Farmland Protection Policy Act

Existing Condition: The Farmland Protection Policy Act (FPPA) of 1981 directs Federal agencies to evaluate impact to prime farmland. The FPPA requires Federal agencies to complete Form AD 1006, "Farmland Conversion Impact Rating" for impacting prime farmland areas larger than a 10-acre threshold. According to the NRCS letter dated May 20, 2014 (Appendix A), the project work would be performed in previously disturbed areas which are already considered as Prior Converted Farmlands. No additional farmlands would be affected. In addition, the soil survey for Letcher County, Kentucky does not show the presence of prime farmlands or statewide important farmlands along the routes.

No Action and Preferred Action Alternatives: No alternative would affect prime farmlands or statewide important farmlands along the state routes within the project footprint.

3.16 Traffic

Existing Condition: Traffic patterns within the proposed project area are located along Kentucky Routes 15, 588, 3401, and secondary roadways and driveways (Figures 1 and 2).

Alternative Impact: There would be no impacts to traffic as no work would be done under this alternative.

Preferred Action Alternative: Under this alternative, the traffic impacts would be minimal, short-term and limited. Any potential impacts would be coordinated with Kentucky Transportation Cabinet officials to further minimize disruption to traffic flow, and to address completion of work along road right-of-ways. During construction, the contractor would furnish, erect and maintain barricades, warning signs, flaggers and pilot cars in such a manner that all local and through traffic would be adequately accommodated. Emergency vehicle access would be maintained.

3.17 Cumulative Effects

USACE must consider the cumulative effects of the project on the environment as stipulated in the NEPA. Cumulative effects are “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions”. Cumulative impacts can result from individually minor, but collectively significant actions taking place over a period of time (40 CFR Part 1508.7 CEQ Regulations). Temporal and geographical limits for this project must be established in order to frame the analysis. These limits can vary by the resources that are affected. The temporal limits for assessment of this impact would initiate with the founding of Letcher County and end in 2030 or fifteen years after completion of this project. The geographical extent covers the North Fork Kentucky River headwaters watershed (Figure 6) between NFKRM 132.0 and 145.5. Dry Fork Creek, where the project is located, enters this river segment at approximately NFKRM 143.5. The important resources are water quality/human health and safety, recreation, fish and aquatic life, and the floodplain.

Past and Present Actions: According to the U.S. Department of Agriculture (USDA 2004), Pound Gap on Pine Mountain led settlers into Letcher County. The population grew rapidly between 1810 and 1840 (USDA 2004). Founded in 1842, Letcher County was formed from parts of Harlan and Perry Counties and was named after Robert P. Letcher, Governor of Kentucky at that time. Whitesburg is the county seat and was also founded in 1842 (rootsweb 2015).

In 1885 coal speculation began in most of Letcher County and a great deal of mineral wealth was deeded to coal companies that established mining towns in the area. By 1912, there were many working mines and a railroad to haul the coal. There was a short period of prosperity until the flood of 1927 followed by the Great Depression (1929-1939). During and after World War II (1939-1945), mechanization of mines put many miners out of work and they migrated out of the area. Soon after coal production declined and by the 1960's coal companies had sold their mining towns. Coal extraction included underground, auger, and surface mining. Hillsides have been leveled by a mining practice known as mountaintop removal. In 1996, about 8.3 million tons of coal was mined in Letcher County. About 68% was from underground mines. Oil and gas deposits are found mainly beneath the coal fields, and several oil and gas fields are producing. Limestone is quarried for road construction, concrete aggregate and agricultural lime (USDA 2004).

In the last century, most of the original forest was cleared on both the narrow floodplains, steep hillsides, and almost all the ridgetops by cutting the marketable timber and burning the rest. The land was then grubbed out to grow corn. Once yields declined due to erosion, the land was converted to pasture. These practices are thought to have been responsible for flooding and rapid deposition of sediment in the Kentucky River. Fine fragments of charcoal are commonly found in the soils near the river today. They probably came from the burning of the original hardwood forest.

Currently most of these hillsides area are reforested and only the floodplains and stream terraces remain cleared. Around Whitesburg and some of the major communities along the Kentucky River, floodplain soils have been taken out of crop production and converted to urban uses. This has been achieved by filling with unconsolidated rock and soil materials to raise areas to an elevation above the floodplain. Most of the development consists of scattered farmsteads and homes along the drainage ways and of buildings and structures associated with mines. The narrow valleys and ridges coupled with steep side slopes restrict development. The important structures are residential and commercial buildings, coal tipples, schools, roads, and gas, power, water, and communication facilities (USDA 2004).

Reasonably Foreseeable Future Actions: These same stressors on water quality are anticipated to continue, and possibly increase into the reasonably foreseeable future. As cities and communities continue to grow, the need for a reliable sewer collection and treatment system would be expected to increase. This project, in conjunction with other similar sanitary sewer extension projects in the watershed identified on the Kentucky Infrastructure Authority website (<http://kygeonet.ky.gov/kia/cw/index.html>), would lead to improved water quality in the Kentucky River and its tributaries. Within a three mile radius, there is a similar project with the Letcher County Water and Sewer District called the Crafts Colley Sanitary Sewer Extension – Phase 1; Contract A-Crafts Colley Project and three separate sanitary sewer extension projects with the City of Whitesburg.

Water Quality/Human Health and Safety: The significance of this proposed project on meeting water quality standards would be positive. It would maintain the standard of living for the residents in the City of Whitesburg. The health and safety of the general public would be maintained. Cumulative water quality benefits would be realized locally and downstream within the Kentucky River Headwaters Watershed.

Recreation: Currently recreational use is impaired for primary contact (swimming) due to the presence of Fecal Coliform in the North Fork of the Kentucky River. Installing new sewage infrastructure would reduce the risk of sewage discharges that would worsen water quality in Dry Fork Creek and the North Fork Kentucky River. Recreational activities would be expected to improve over time as environmental conditions improve within the North Fork Kentucky River Headwaters Watershed.

Fish and Aquatic Life: A reliable sewage collection system would reduce the risk of sewage discharges into Dry Fork Creek and the North Fork Kentucky River. Sewage contains nutrients that stimulate over production of algae. When algae die, decomposition uses up the dissolved oxygen in the water. Anoxic conditions stress and

kill fish and aquatic life. This project along with other sewer projects in the North Fork Kentucky River Headwaters watershed would improve water quality for aquatic life.

Floodplain: Cumulative impacts would be temporary and small in scale during the period of construction, but positive on the environment on project completion. Reducing the risk of sewage discharges in combination with other sewer extension projects within the watershed would have positive cumulative impacts for water quality, human health and safety, recreation, fish and aquatic life, and the terrestrial environment as raw sewage discharges are removed from Dry Fork Creek and the North Fork Kentucky River Headwaters watershed.

SECTION 4 – STATUS OF ENVIRONMENTAL COMPLIANCE

Based on the information provided above, full compliance with all local, state, and federal statutes and EO's would be met prior to project implementation.

Table 4. Environmental Compliance

Statute/Executive Order	Full
National Environmental Policy Act	X
Fish and Wildlife Coordination Act	X
Endangered Species Act	X
Clean Water Act	X
Wild and Scenic Rivers Act	X
Clean Air Act	X
National Historic Preservation Act	X
Archeological Resources Protection Act	X
Comprehensive, Environmental Response, Compensation, and Liability Act	X
Resource Conservation and Recovery Act	X
Toxic Substances Control Act	X
Farmland Protection Policy Act	X
EO 11988 Floodplain Management	X
EO 11990 Protection of Wetlands	X
EO 13045 Protection of Children from Environmental Health Risks and Safety Risks	X
EO 12898 Environmental Justice in Minority Populations and Low-Income Populations	X

SECTION 5 – PUBLIC AND AGENCY COORDINATION

NEPA is a Federal law that requires Federal agencies to consider the potential environmental impacts of their proposed project and to ask for comments from interested groups about the work plan before any action is taken. Through the NEPA process, a scoping letter about the proposed project was sent on January 13, 2015 to other governmental agencies and officials, Indian Tribes, the public, private individuals, and other interested parties. The scoping letter was also posted on the Corps Nashville District website at <http://www.lrn.usace.army.mil/Media/PublicNotices>. The letter stated

the need for action and provided general information on the scope of work and the area of water and land resources that would potentially be affected by the No Action and Preferred Action alternatives. The purpose of the scoping letter is to provide general project information and to identify environmental concerns by requesting comments on alternatives and a list of environmental resources. Scoping comments received were used to help prepare this EA. Comments regarding environmental issues were addressed in the course of the NEPA process and are incorporated in the draft EA. On **March 27, 2015** a Notice of Availability for the draft EA and unsigned FONSI was circulated to public and agencies for a 30-day review.

5.1 Correspondence, Scoping Letter, and Responses

A Scoping Letter was circulated on January 13, 2015. Previous correspondence and responses to the scoping letter are summarized below and found in Appendix A:

USFWS: The USFWS responded by letter dated June 2, 2014 and noted potential impact to the Indiana bat (*Myotis sodalis*), Gray bat (*Myotis grisescens*) and Northern long-eared bat (*Myotis septentrionalis*) if the project required tree cutting. USFWS also raised concerns regarding impacts to wetlands and streams and recommended that the sponsors contact USACE regarding the presence of wetlands and jurisdictional waters (streams) in the project area. In an email dated January 15, 2015, Summit Engineering, Inc. (SEI) noted that no trees would be removed at this time for this project. Should it be determined that trees need to be removed during construction, work would be halted in that particular area until a Memorandum of Agreement with USFWS would be executed. SEI noted that sewer lines are of small diameter and directional boring would be used to cross under Dry Fork Creek with minimal disturbance. In a letter dated January 15, 2015, from the Kentucky River Area Development District (KRADD) to the USFWS, KRADD confirmed that no trees would be cut. The USFWS responded by email dated January 20, 2015, and noted that no significant adverse impacts to federally listed endangered or threatened species are anticipated and that requirements of Section 7 of the ESA have been fulfilled for this project.

USACE Response: USACE concurs with the finding that no bats would be impacted as plans show that no trees would be cut for this project at this time. No wetlands are present in the project area so no wetlands would be impacted. Up to 14 stream crossings under Dry Fork Creek will be required to connect residents to the new force main sewer line. The stream crossings are unavoidable. Directional boring following state requirements would be used to cross under Dry Fork Creek to minimize disturbance to the stream bottom and avoid effects to the stream flow.

USDA: The USDA responded by letter dated May 20, 2014 and noted that the county soil survey for Letcher did not identify prime farmlands or statewide important farmlands in the project area.

USACE Response: Concur.

SEI prepared an HTRW Limited Phase I Environmental Site Assessment (ESA) for USACE. USACE documented the review in a memorandum for record dated February 11, 2015. The assessment determined that there were no HTRW concerns identified in the proposed work area.

USACE Response: Concur.

Kentucky Energy and Environment Cabinet Clearinghouse: The State Environmental Review Officer, responded by letter dated March 4, 2015. This department coordinates the review of environmental documents for Kentucky state agencies. Agency comments are summarized below and found in Appendix B.

USACE Response: Concur.

Division of Water: The Engineering Section of the Water Infrastructure Branch does not oppose the project at this time. Plans and specifications must to be submitted for review. Construction of the wastewater component for this project shall not begin until written approval is received from the Division of Water (DOW).

Prior approval from DOW is required for all discharges into streams and for all wastewater treatment facilities.

There are no Outstanding State Resource Waters, Wild Rivers or known Exceptional Waters within the project area. Best management practices shall be used to reduce runoff from the project into adjacent surface waters.

Pursuant to Kentucky regulations, an "Application to Construct Across or Along a Stream" permit will need to be submitted to the DOW for further review of this project.

USACE Response: Concur.

Division of Waste Management: The Division requires that all solid waste generated by the project shall be disposed in a permitted facility. Underground storage tanks, asbestos, lead paint, or any other contaminant encountered must be properly addressed.

USACE Response: Concur.

Division of Air Quality: Compliance with applicable air quality permits and control of fugitive emissions is required. Open burning is prohibited. Air quality is to be protected with use of best management practices.

USACE Response: Concur.

KHC: The KHC responded by letter dated February 2, 2015 and concurred with USACE findings that there would be no adverse effect to historic properties in the project area as described. Correspondence and coordination under Section 106 – National Historic Preservation Act of 1966 is found in Appendix D.

USACE Response: Concur.

Federally Recognized Native Tribe: The Chickasaw Nation responded by email on January 15, 2015 and noted that the far eastern portion of Kentucky was outside the homeland region of the Chickasaw Nation and appreciated USACE efforts to preserve and protect significant historic properties. Correspondence and coordination under Section 106 – National Historic Preservation Act of 1966 is found in Appendix D.

USACE Response: Concur.

Federally Recognized Native Tribe: The United Keetoowah Band of Cherokee Indians in Oklahoma responded by email on January 28, 2015 and noted that they had no objections to the project. Correspondence and coordination under Section 106 – National Historic Preservation Act of 1966 is found in Appendix D.

USACE Response: Concur.

5.2 Notice of Availability and Responses

The Draft EA and unsigned FONSI were made available on **March 27, 2015** to the public at the local Letcher County Public Library and Whitesburg City Hall. These documents were posted on the Corps' Nashville District website at http://www.lrn.usace.army.mil/pmgmt/environmental/public_notices.htm. Responses to the NOA are summarized below and found in Appendix B.

SECTION 6 – PERMITS REQUIRED

The applicant would be responsible for acquiring all permits and approvals in accordance with applicable local, state, and federal regulations including coordination with governing agencies. A floodplain construction permit, or issuance of a “No Impact Certification”; storm water permit, if greater than 1 acre of ground would be disturbed; a wastewater collection system plans review and construction permit, or approval letter; construction across or along a stream permit, and water quality certification would be maintained and posted at the construction site. USACE will verify as part of the pre-construction meeting that all required permits and approvals have been acquired prior to construction.

SECTION 7 – CONCLUSIONS

The City of Whitesburg has applied for Section 531 funding for wastewater collection system improvements that consists of replacing approximately 20,000 LF of force main, residential connections, and rehabilitating the Parkway Inn Lift Stations. The existing condition of failing individual on-lot sewage treatment systems increases the potential risk of system failures and raw sewage discharges that would pose a safety and health hazard to the public and contaminate land and water resources. The proposed work would ensure a reliable wastewater collection system and remove the need for an individual treatment system. The combined efforts of the local community, the Letcher Fiscal Court, the Commonwealth of Kentucky, and USACE would improve the quality of life for residents in the City of Whitesburg by ensuring reliable infrastructure that would protect the public, land, and water resources.

Potential short-term and temporary negative impacts on the human environment could include elevated noise and traffic realignments. However, these impacts are negligible when compared to the positive impact the project would have on protecting health and safety of the local community and their natural environment.

No significant adverse impacts have been identified. No significant resources such as threatened or endangered species or their habitat, water quality, forests, wetlands, or air

quality would be adversely affected by the project. The installation of 20,000 LF of force main, residential connections, and lift station rehabilitation would take place in existing lift station location and existing urban and residential area that are currently mowed or paved with roads.

The contractor would be required to re-grade and re-vegetate excavated sites to original conditions. Short-term impacts associated with construction would be localized and minor with the use of construction BMP's. USACE would verify during the pre-construction meeting that the City of Whitesburg or their contractor has obtained coverage under all applicable federal, state, and local permits related to this project.

SECTION 8 – LIST OF INFORMATION PROVIDERS AND PREPARERS

The following people and agencies were consulted or involved in preparation of this EA.

Table 5. Project Team

Honorable Jim Ward
County Judge/Executive
158 Main Street
Suite 107
Whitesburg, KY 41858

Annette Napier, Program Director
Kentucky River Area Development District
917 Perry Park Road
Hazard, KY 41701

Summit Engineering, Inc.
114 North Second Street
3205 Summit Square Place
Lexington, KY 40509

USACE – Nashville District
P.O. Box 1070
Nashville, TN 37202-1070

David Bishop, Project Manager
Tim Higgs, Chief, Environmental Section
Lannae Long, Environmental Engineer
Myles Barton, Real Estate Representative
Linda Ingram, Construction Representative

Amy Redmond, Biologist
Joy Broach, Aquatic Biologist
Jordan McIntyre, Archaeologist
Kathryn Firsching, Attorney

SECTION 9 – REFERENCES

Council for Environmental Quality

1996 Draft Guidance for Addressing Environmental Justice under NEPA. 1996.

Federal Register

2013 *Review of Native Species That are Candidates for Listing as Endangered or Threatened; annual Notice of Findings on Resubmitted Petitions; Annual Description of Progress on Listing Actions.* 77 FR 70103 70162

Federal Emergency Management Agency

2014 Floodplain Maps Website:

<http://fema.maps.arcgis.com/home/webmap/viewer.html?webmap=cbe088e7c8704464aa0fc34eb99e7f30>

Kentucky Division of Air

2014 *Kentucky Division for Air Quality, 2014 Annual Report*

Kentucky Energy and Environment Cabinet, Division of Water

2013 *Final, 2012 Integrated Report to Congress on the Condition of Water Resources in Kentucky.* Volume II, 303(d) List of Surface Waters.

Kentucky Environmental and Public Protection Cabinet, Division of Water

2010 *Integrated Report to Congress on the Condition of Water Resources in Kentucky, 2010. Volume I, 305(b) Assessment Results with Emphasis on the Big Sandy-Little Sandy-Tygarts Basin Management Unit and the Kentucky River Basin Management Unit.*

Kentucky Geological Survey

2009 *Kentucky River Basin* poster.

Kentucky Geological Survey

2009a *Upper Cumberland River Basin in Kentucky.* Map and chart 190; Series XII poster

Kentucky Infrastructure Authority, Water Resource Information System Internet Mapping,

2014 Website: <http://kygeonet.ky.gov/kia/cw/>

Rootsweb

2015 Kentucky Genealogy Web Project: Website: <http://www.rootsweb.ancestry.com/>

Summit Engineering, Inc.

2014 *Crafts Colley Sanitary Sewer Extension – Phase 1 (SX21133009), Contract A – Crafts Colley, Contract B – Dry Fork (09-432), Letcher County, Kentucky, Preliminary Engineering Report.*

U.S. Census Bureau

2014 State and County Quick Facts Website: www.quickfacts.census.gov

U.S. Department of Agriculture, Natural Resources Conservation Service

2004 *Soil Survey of Knott and Letcher Counties, Kentucky*

U.S. Department of Agriculture, Natural Resources Conservation Service

2014 Soil Survey website: <http://websoilsurvey.nrcs.usda.gov>

U.S. Department of Housing and Urban Development

2014 Noise Abatement and Control Website:

<https://www.hudexchange.info/environmental-review/noise-abatement-and-control>

U.S. Environmental Protection Agency

2014 Noise Information Website: <http://www2.epa.gov/aboutepa/epa-identifies-noise-levels-affecting-health-and-welfare>

U.S. Fish and Wildlife Service

2015 Environmental Conservation Online System

Blackside dace (*Phoxinus cumberlandensis*) Downloaded on February 19, 2015

U.S. Fish and Wildlife Service

2015a Environmental Conservation Online System

Cumberland arrow Darter (*Etheostoma sagitta*) Downloaded on February 19, 2015

U.S. Fish and Wildlife Service

2013 Listed species listed by Kentucky County, website:

http://www.fws.gov/frankfort/pdf/KY_te_list_by_county.pdf

U.S. Fish and Wildlife Service

2014 National Wetlands Inventory website:

<http://www.fws.gov/Wetlands/Data/Mapper.html>

U.S. Geological Survey

1978 Whitesburg, Kentucky 7.5-minute Topographic Quadrangle Map.

Woods, A.J., Omernik, J.M., Martin, W.H., Pond, G.J., Andrews, W.M., Call, S.M, Comstock, J.A., and Taylor, D.D.

2002 *Ecoregions of Kentucky* (color poster with map, descriptive text, summary tables, and photographs): Reston, VA., U.S. Geological Survey (map scale 1:1,000,000).

Appendix A

Scoping Letter, Correspondence, and Responses

REPLY TO
ATTENTION OF

Department of the Army
NASHVILLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1070
NASHVILLE TN 37202-1070

January 13, 2015

Project Planning Branch

To All Interested Parties:

The U.S. Army Corps of Engineers, Nashville District (USACE) is initiating Scoping under the National Environmental Policy Act (NEPA) for an Environmental Assessment (EA) for the Letcher County Fiscal Court (Sponsor), Section 531 Project, in Whitesburg, Letcher County, Kentucky. The Sponsor proposes to construct a new force main collection system with residential connections along Kentucky (KY) Routes 588, 3401, and Flower Road in Letcher County. The proposed work includes rehabilitation of an existing Parkway Inn lift station. The need for the project is to extend sewer collection lines and associated infrastructure to areas with inadequate or failing private septic systems. The collected sewage would be treated at the Whitesburg Wastewater Treatment Plant. The project and Dry Fork collection system locations are shown in Figure 1.

Section 531 of the 1996 Water Resources Development Act authorizes a program whereby USACE can provide design and construction assistance for water related environmental infrastructure projects in eastern and southern Kentucky. These projects must address wastewater, water supply, and surface water resources, and related problems. All projects are cost shared with 75% Federal (USACE) funds and 25% non-Federal (Sponsor) funds.

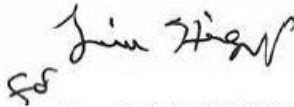
The EA would be prepared in accordance with the NEPA, Council on Environmental Quality Regulations (40 CFR 1500-1508), and Corps of Engineers implementing regulation, ER 200-2-2, 1988. The EA would consider in detail, the No Action and Proposed Action Alternatives. The No Action Alternative would not provide funding under the Section 531 program, and the lack of funds would likely delay or prevent project implementation. The No Action Alternative is not recommended since it would deny residents with failing septic systems access to a reliable public sewer collection system. The release of untreated raw sewage would contaminate ground and surface waters, resulting in a public health hazard and a detriment to surface waters used for recreation.

The Proposed Action Alternative is to install approximately 20,000 linear feet of a new force main sewer collection system, including residential connections along KY Routes 588, 3401, and Flower Road in Letcher County, KY. The new force main would cross Dry Fork stream at Highway 588 (Figure 1). The new infrastructure would connect with the existing force main and Parkway Inn Lift Station along KY Route 15. The lift station would be rehabilitated with updated equipment. Sewer lines would be constructed in road right-of-ways and private lawns. The existing ground is mowed grass or paved road. Environmental effects associated with the Proposed Action Alternative are considered minor. We encourage comments not only about the immediate project, but also of plans or proposals for any other development that may impact or influence the project or surrounding watershed.

This letter also serves to initiate public involvement requirements of Section 106 of the National Historic Preservation Act of 1966, as amended. Section 106, implemented by regulations at 36 Code of Federal Regulations 800, requires the Corps to consider the effects of its undertakings on historic properties. Appropriate architectural and archaeological investigations would be conducted if deemed necessary within areas affected by the proposed activity. Results would be coordinated with the Kentucky State Historic Preservation Officer, Tribal Nations, and other consulting parties. The Corps invites responses to this scoping notice from Native American Tribes or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns regarding historic properties and sites of religious and cultural significance at or near the project area.

Please submit any comments regarding environmental and cultural resource concerns no later than **February 16, 2015** to ensure evaluation and inclusion in the EA. Responses should be emailed to: CorpsLRNPlanningPublicCom@usace.army.mil; or mailed to the address listed above. If you have any questions, please contact Ms. Joy Broach, Aquatic Biologist, at (615) 736-7956. Your participation is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Russ Rote", with a stylized flourish at the end.

Russ L. Rote, P.E., PMP, CFM
Chief, Project Planning Branch

Enclosure

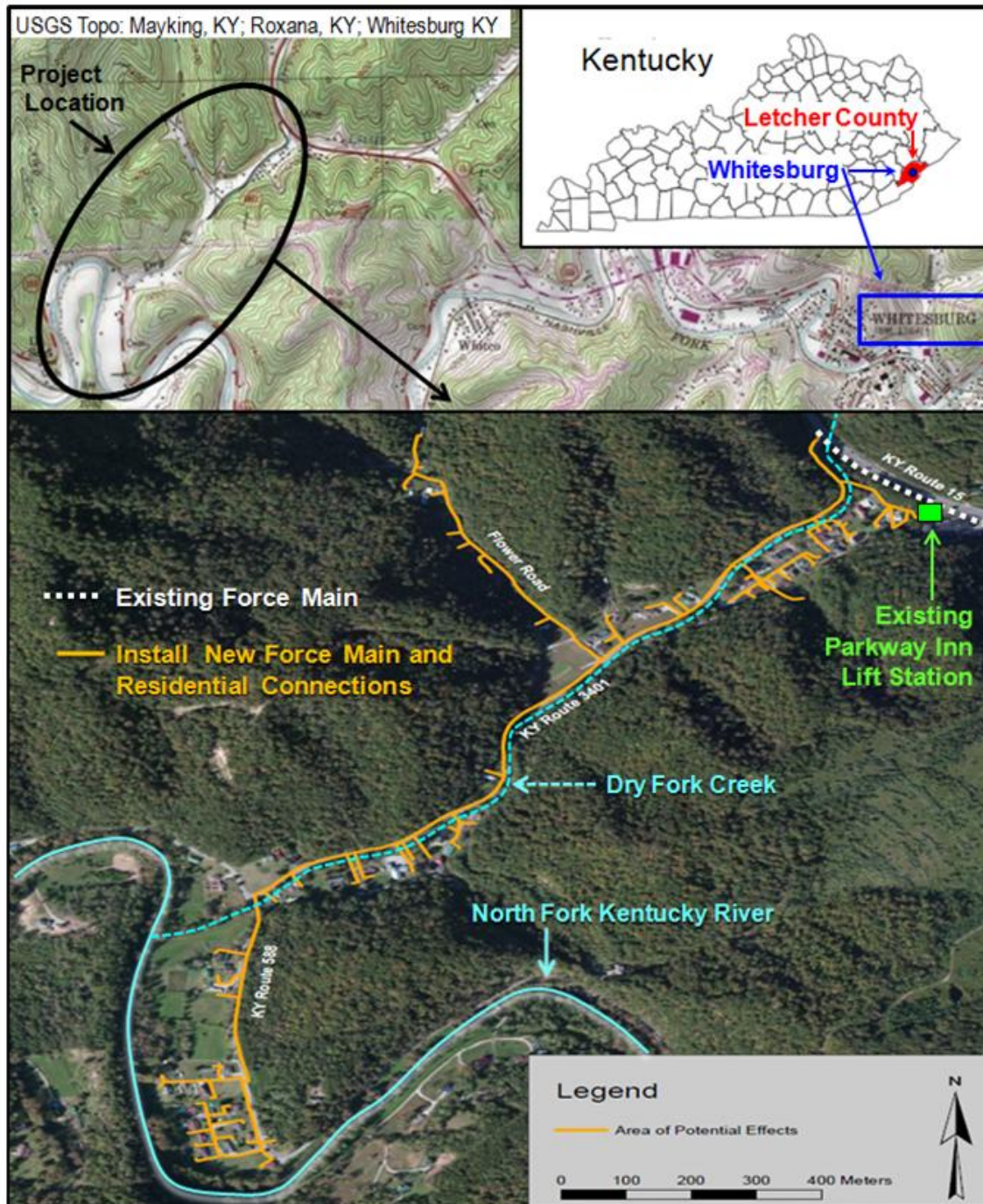


Figure 1. Whitesburg, Kentucky, Letcher County, Vicinity Map and Project Location

Honorable Gregory Johnson, Commissioner KY Dept. of Fish and Wildlife Resources #1 Game Farm Road Frankfort, KY 40601	Jessica Miller, Wildlife Biologist U.S. Fish and Wildlife Service 3330 West Broadway Street # 265 Frankfort, Kentucky 40601
Tammy Turley, Chief USACE Regulatory Branch 3701 Bell Road Nashville, TN 37214	Mr. Ronald Price Office of the Commissioner 300 Fair Oaks Lane Frankfort, Kentucky 40601
Flood Plain Coordinator 38 East Main Street Whitesburg, KY 41858	Cindy McDonald, Section Supervisor Kentucky Division of Water Wastewater Municipal Planning Section 200 Fair Oaks Lane, Fourth Floor Frankfort, KY 40601
Honorable Mayor James W. Craft City Hall 38 East Main Street Whitesburg, KY 41858	Todd Powers, Manager Floodplain Management Section Kentucky Division of Water 200 Fair Oaks Lane, Fourth Floor Frankfort, KY 40601
Donald Cummings, Sr., Supervisor Letcher County Sanitation Department 156 Main Street Whitesburg, KY 41858	Honorable Jim Ward, Judge Executive Letcher County Fiscal Court 156 Main Street; Suite 107 Whitesburg, KY 41858
Derek Motsch, Project Engineer Summit Engineering 131 Summit Drive Pikeville, KY 41501	Kevin Howard, Vice President Summit Engineering 131 Summit Drive Pikeville, KY 41501
Greg Preece, P.E. Branch Manager Kentucky Transportation Cabinet 200 Metro Street Frankfort, KY 40622	Gene Layne, Permits Supervisor Engineering Support Department of Highways, District Twelve 109 Loraine Street Pikeville, Kentucky 41501
Adam Jackson, Manager Division of Water Kentucky Water Quality Certification Program 200 Fair Oaks Lane, Fourth Floor Frankfort, KY 40601	Damon White, Manager Department of Environmental Protection 233 Birch Street, Suite 1 Hazard, KY 41701
Paul Miles, Director Letcher County Emergency Management 156 Main Street; Suite 107 Whitesburg, KY 41858	Postmaster United States Post Office 71 Highway 119 South Whitesburg, KY 41858 Please Post
The Mountain Eagle 41 North Webb Avenue Whitesburg, KY 41858	WMMT 88.7-FM 91 Madison Ave Whitesburg, KY 41858

Regina Donour Head of Three Rivers Project P.O. Box 1422 Whitesburg, KY 41858	Greg Goode, P.E. Environmental Engineering Consultant Kentucky Water Infrastructure Branch 200 Fair Oaks Lane, Fourth Floor Frankfort, KY 40601
Kentucky Division of Compliance Assistance 300 Fair Oaks Lane Frankfort, KY 40601	Gary Cornett Letcher County PRIDE Coordinator 2292 South Hwy 27 Somerset, KY 42501
Honorable Steve Beshear Governor of Kentucky 700 Capitol Avenue, Suite 100 Frankfort, KY 40601	Annette Napier, Program Director Kentucky River Area Development District 917 Perry Park Road Hazard, KY 41701
Honorable Leslie Combs Kentucky Representative, House District 94 245 East Cedar Drive Pikeville, KY 41501	Honorable Johnny Ray Turner Kentucky Senator, Senate District 29 849 Crestwood Drive Prestonsburg, KY 41653
Honorable Harold "Hal" Rogers US Representative, Kentucky 48 South Kentucky Highway 15 Hazard, KY 41701	Honorable Rand Paul US Senator, Kentucky 771 Corporate Drive, Suite 105 Lexington, KY 40503
Honorable Mitch McConnell US Senator, Kentucky 601 West Broadway Room 630 Louisville, KY 40202	Mr. Craig Potts State Historic Preservation Officer Kentucky Heritage Council 300 Washington Street Frankfort, KY 40601
Chief George Wickliffe United Keetoowah Band of Cherokee Indians P.O. Box 746 Tahlequah, OK 74464-0746	Chairperson Ron Sparkman Shawnee Tribe P.O. Box 189 Miami, OK 74355
Principal Chief Chad Smith Cherokee Nation P.O. Box 948 Tahlequah, OK 74465-0948	Governor George Blanchard Absentee-Shawnee Tribe of Indians of Oklahoma 2025 S. Gordon Cooper Dr. Shawnee, OK 74801-9381
Principal Chief Michell Hicks Eastern Band of Cherokee Indians Qualla Boundary P.O. Box 445 Cherokee, NC 28719	Governor Bill Anoatubby Chickasaw Nation P.O. Box 1548 Ada, OK 74821-1548
Ms. Robin DuShane Tribal Historic Preservation Officer Eastern Shawnee Tribe of Oklahoma P.O. Box 350 Seneca, MO 64865	



To: Annette Napier
KY River Area Development District
917 Perry Park Road
Hazard, KY 41701

May 20, 2014

Re: Crafts Colley / Dry Fork Sewer Extension Project

Mr. Deming,

NRCS does not officially do environmental assessments for these types of projects, but only provides information on the soils and/or impact to farmland according to the criteria set forth in 1985 National Food Security Act Manual.

According to the information in your request it appears that all work is to be performed on existing highway right-of-ways in previously disturbed areas or within the City of Whitesburg, all of which are already considered as Prior Converted Farmlands and not affecting additional farmlands. In addition, see attached NRCS map, the soil survey for Letcher County, KY does not show the presence of prime farmlands or statewide important farmlands along either route shown in your request. This office does not have any additional concerns at this time.

If needed, additional information on the soils of Letcher County is available on-line through USDA's Web Soil Survey for Letcher County, KY.

If this office may be of additional assistance, please do not hesitate to contact my office in Maysville Ky. or contact the NRCS District Conservationist at 606-666-5138.

Steve Jacobs
Resource Soil Scientist, NRCS, Maysville, KY.

cc: Dave Edwards, NRCS Lead District Conservationist, Jackson, KY

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Kentucky Ecological Services Field Office
330 West Broadway, Suite 265
Frankfort, Kentucky 40601
(502) 695-0468

May 22, 2014

K.R.A.D.D.
DATE RECEIVED

JUN - 2 2014

TO: _____

Ms. Annette Napier
Kentucky River Area Development District
917 Perry Park Road
Hazard, KY 41701

Re: FWS 2014-B-0479; KRADD; Letcher County Fiscal Court; Crafts Colley / Dry Fork
Sanitary Sewer Project; located in Letcher County, Kentucky

Dear Ms. Napier:

Thank you for the opportunity to provide comments on the above-referenced project. The U.S. Fish and Wildlife Service (Service) has reviewed this proposed project and offers the following comments in accordance with the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*). This is not a concurrence letter. Please read carefully, as further consultation with the Service may be required.

In accordance with the provisions of the Fish and Wildlife Coordination Act, the Service has reviewed the project with regards to the effects the proposed actions may have on wetlands and/or other jurisdictional waters. We recommend that project plans be developed to avoid impacting wetland areas and/or streams, and reserve the right to review any required federal or state permits at the time of public notice issuance. The U.S. Army Corps of Engineers should be contacted to assist you in determining if wetlands or other jurisdictional waters are present or if a permit is required.

In accordance to section 7 of the ESA, the Service must also consider the effects of actions interrelated and interdependent to the proposed project. "Interrelated actions" are those that are part of a larger action and depend on the larger action for their justification and "interdependent actions" are those that have no independent utility apart from the action under consideration. Please inform us of any future actions and/or projects (*i.e.*; water tanks, water lines, electrical transmission lines, subdivisions, commercial development) that would reasonably occur as a result of the proposed project so that we may adequately analyze those effects.

In order to assist you in determining if the proposed project has the potential to impact protected species we have searched our records for occurrences of listed species within the vicinity of the proposed project. Based upon the information provided to us and according to our databases, we believe that the following federally listed species have the potential to occur within the project vicinity:

Group	Species	Common name	Legal* Status
Mammals	<i>Myotis sodalis</i>	Indiana bat	E
	<i>Myotis grisescens</i>	gray bat	E
	<i>Myotis septentrionalis</i>	Northern long-eared bat	P

* Key to notations: E = Endangered, T = Threatened, P = Proposed, C = Candidate, CH = Critical Habitat

We must advise you that collection records available to the Service may not be all-inclusive. Our database is a compilation of collection records made available by various individuals and resource agencies. This information is seldom based on comprehensive surveys of all potential habitats and thus does not necessarily provide conclusive evidence that protected species are present or absent at a specific locality.

Indiana bat – potential habitat

The Crafts Colley portion of the proposed project is in “potential” Indiana bat habitat, therefore we believe that: (1) caves, rockshelters, and abandoned underground mines in the vicinity of and in the project area may potentially provide suitable wintering habitat for the Indiana bat; and (2) forested areas in the vicinity of and in the project area may potentially provide suitable summer roosting and foraging habitat for the Indiana bat. In order to address the concerns and be in compliance with the ESA, we have the following recommendations relative to potential direct and/or indirect effects as a result of impacts to the habitats listed above:

- (1) During hibernation, the Indiana bat prefers limestone caves, sandstone rockshelters, and abandoned underground mines with stable temperatures of 39 to 46 degrees F and humidity above 74 percent but below saturation. Prior to hibernation, Indiana bats utilize the forest habitat up to five miles from the hibernacula to feed and roost until temperatures drop to a point that forces them into hibernation. This “swarming” period is dependent upon weather conditions and lasts from about September 15 to about November 15. This is a critical time for Indiana bats, since they are acquiring additional fat reserves and mating prior to hibernation.

Based on the presence of numerous caves, rock shelters, and underground mines in Kentucky, we believe that it is reasonable to assume that other caves, rock shelters, and/or abandoned underground mines may occur within the project area, and, if they occur, they could provide winter habitat for Indiana bats. Therefore, we recommend that the project proponent survey the project area for caves, rock shelters, and underground mines, identify any such habitats that may exist on-site, and avoid impacts to those sites pending an analysis of their suitability as Indiana bat habitat by this office.

- (2) The Indiana bat utilizes a wide array of forested habitats, including riparian forests, bottomlands, and uplands for both summer foraging and roosting habitat. Indiana bats typically roost under exfoliating bark, in cavities of dead and live trees, and in snags (*i.e.*, dead trees or dead portions of live trees). Trees in excess of 16 inches diameter at breast height (DBH) are considered optimal for maternity colony roosts, but trees in excess of 9 inches DBH appear to provide suitable maternity roosting habitat. Male Indiana bats have been observed roosting in trees as small as 5 inches DBH.

To address potential impacts to Indiana bat summer roosting and foraging habitat we recommend that the project proponent survey the project site to determine the presence or likely absence of Indiana bats within the project area in an effort to determine if potential effects are likely. A qualified biologist who holds the appropriate collection permits for the Indiana bat must undertake such surveys in accordance with our most current survey guidance. If any Indiana bats are identified, we would request written notification of such occurrence(s) and further coordination and consultation.

As an alternative to surveying, the following options are also available:

- The project proponent can design or modify the proposed project to eliminate or reduce impacts to suitable Indiana bat habitat, thus avoiding impacts. A habitat assessment may be useful in determining if suitable Indiana bat summer roosting or foraging habitat is present in the action area of the proposed project.
- The project proponent can request formal section 7 consultation through the lead federal action agency associated with the proposed project. To request formal consultation, the project proponent would need to submit a Biological Assessment that describes the action and evaluates the effects of the action on the listed species in the project area. After formal consultation is initiated, the Service has 135 days to prepare a Biological Opinion that analyzes the effects of the action on the listed species and recommends strategies to minimize those effects.
- The project proponent may provide the Service with additional information through the informal consultation process, prepared by a qualified biologist, that includes site-specific habitat information and a thorough effects analysis (direct, indirect, and cumulative) to support a “not likely to adversely affect” determination. The Service will review this and decide if there is enough supporting information to concur with the determination.
- The project proponent may choose to assume presence of the species in the project area and enter into a Conservation Memorandum of Agreement (MOA) with the Service to account for the incidental take of Indiana bats. By entering into a Conservation MOA with the Service, Cooperators gain flexibility with regard to the removal of suitable Indiana bat habitat. In exchange for this flexibility, the Cooperator provides recovery-focused conservation benefits to the Indiana bat through the implementation of minimization and mitigation measures that are described in the Indiana Bat Mitigation Guidance for the Commonwealth of Kentucky. For additional information about this option, please notify our office.

Indiana bat – known nonmaternity summer habitat

The Dry Fork portion of the proposed project is located within “known Indiana bat non-maternity” habitat. “Non-maternity habitat” refers to suitable summer habitat used by non-reproductive females and/or males. Forested areas in the vicinity of and on the project area provide summer roosting and foraging habitat for non-reproductive females and/or males and may also provide habitat for a maternity colony that has not been documented. The species utilizes a wide array of forested habitats, including riparian forests, bottomlands, and uplands for both summer foraging and roosting habitat. Indiana bats typically roost under exfoliating bark, in cavities of dead and live trees, and in snags (i.e., dead trees or dead portions of live trees). Trees in excess of 16 inches diameter at breast height (DBH) are considered optimal for maternity colony roosts, but trees in excess of 9 inches DBH appear to provide suitable maternity roosting habitat. Male Indiana bats have been observed

roosting in trees as small as 5 inches DBH. A tree is considered a “potential Indiana bat roost tree” if it is greater than 5-inches DBH and exhibits one or more of the following characteristics: exfoliating bark, cracks, crevices, dead portions, and cavities.

Typically for a project of this nature, the Service would recommend seasonal tree clearing or the completion of a mist net survey before construction activities take place. Mist net surveys provide presence/absence information; however, we already know that the Indiana bats are present within the proposed project area. We do not believe a survey is necessary for the proposed project. Also, seasonal tree clearing for the project could still result in indirect and/or cumulative effects to the species through changes to the landscape and the removal of potential foraging and roosting habitat. Currently, the available forested habitat within the summer range of the Indiana bat is being reduced by development, so even seasonal removal of habitat is likely to result in significant or non-discountable effects to the species. Due to these concerns, we cannot concur with a determination of not likely to adversely affect for the Indiana bat at this time. In order to address these concerns and be in compliance with the ESA, we recommend one of the following options:

- The project proponent can design or modify the proposed project to eliminate or reduce impacts to trees and thus avoid impacts.
- The project proponent can request formal section 7 consultation through the lead federal action agency associated with the proposed project. To request formal consultation, the project proponent would need to submit a Biological Assessment that describes the action and evaluates the effects of the action on the listed species in the project area. After formal consultation is initiated, the Service has 135 days to prepare a Biological Opinion that analyzes the effects of the action on the listed species and recommends strategies to minimize those effects.
- The project proponent may provide the Service with additional information through the informal consultation process, prepared by a qualified biologist, that includes site-specific habitat information and a thorough effects analysis (direct, indirect, and cumulative) to support a “not likely to adversely affect” determination. The Service will review this and decide if there is enough supporting information to concur with the determination.
- The project proponent may choose to enter into a Conservation Memorandum of Agreement (MOA) with the Service to account for the incidental take of Indiana bats. By entering into a Conservation MOA with the Service, Cooperators gain flexibility with regard to the removal of suitable Indiana bat habitat. In exchange for this flexibility, the Cooperator provides recovery-focused conservation benefits to the Indiana bat through the implementation of minimization and mitigation measures that are described in the Indiana Bat Mitigation Guidance for the Commonwealth of Kentucky. For additional information about this option, please notify our office.

Gray bat

Gray bats roost, breed, rear young, and hibernate in caves year round. They migrate between summer and winter caves and will use transient or stopover caves along the way. Gray bats eat a variety of flying aquatic and terrestrial insects present along streams, rivers, and lakes. Low-flow streams produce an abundance of insects and are especially valuable to the gray bat as foraging habitat. For hibernation, the roost site must have an average temperature of 42 to 52 degrees F. Most of the caves used by gray bats for hibernation have deep vertical passages with large rooms that function as cold air traps. Summer caves must be warm, between 57 and 77 degrees F, or have small rooms or domes that can trap the body heat of roosting bats. Summer caves are normally located

close to rivers or lakes where the bats feed. Gray bats have been known to fly as far as 12 miles from their colony to feed.

Because we have concerns relating to the gray bat on this project and due to the lack of occurrence information available on this species relative to the proposed project area, we have the following recommendations relative to gray bats.

- Based on the presence of numerous caves, rock shelters, and underground mines in Kentucky, we believe that it is reasonable to assume that other caves, rock shelters, and/or abandoned underground mines may occur within the project area, and, if they occur, they could provide winter/summer habitat for gray bats. Therefore, we would recommend that the project proponent survey the project area for caves, rock shelters, and underground mines, identify any such habitats that may exist on-site, and avoid impacts to those sites pending an analysis of their suitability as gray bat habitat by this office.
- Sediment Best Management Practices (BMPs) should be utilized and maintained to minimize siltation of the streams located within and in the vicinity of the project area, as these streams represent potential foraging habitat for the gray bat.

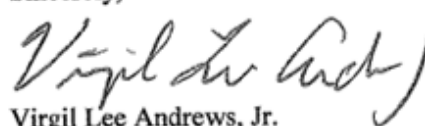
Northern long-eared bat

The Northern long-eared bat is currently proposed for federal listing under the ESA. No designated critical habitat has been proposed at this time. The entire state of Kentucky is considered potential habitat for the northern long-eared bat. During the summer, northern long-eared bats typically roost singly or in colonies in a wide-variety of forested habitats, where they seek shelter during daylight hours underneath bark or in cavities/crevices of both live trees and snags, including relatively small trees and snags that are less than 5 inches in diameter at breast height (DBH). Northern long-eared bats have also been documented roosting in man-made structures (i.e., buildings, barns, etc.) during the summer. According to current winter occurrence data, northern long-eared bats predominately winter in hibernacula that include caves, tunnels, and underground mine passages.

Although species proposed for listing are not afforded protection under the ESA, when a species is listed, the prohibitions against jeopardizing its continued existence and unauthorized take are effective immediately, **regardless of an action's stage of completion**. Therefore, to avoid significant project delays, we recommend that you contact our office to identify and resolve potential conflicts regarding the northern long-eared bat in your project area.

Thank you again for your request. Your concern for the protection of endangered and threatened species is greatly appreciated. If you have any questions regarding the information that we have provided, please contact Jessi Miller at (502) 695-0468 extension 104.

Sincerely,



Virgil Lee Andrews, Jr.
Field Supervisor

Annette Napier

From: Derek Motsch <dmotsch@summit-engr.com>
Sent: Wednesday, January 14, 2015 4:38 PM
To: annette@kradd.org
Subject: Tree Removal

At this point it is our assumption that no tree removal will be required for the project. The line is small diameter and will for a large portion of the project likely use directional drilling. The line is also being primarily installed on state right of way which is maintained and cleared on a regular basis. Based on these factors I believe we should be able to avoid tree removal.

Should it be determined that a tree(s) must be removed during construction, construction could be halted in that particular area until an MOA with USFWS could be executed.

USACE has requested that any further correspondence with USFWS also be copied to KYFWS.

Thanks,

R. Derek Motsch, P.E.
Summit Engineering, Inc.
859-264-9860 x104



Kentucky River

AREA
DEVELOPMENT
DISTRICT

917 PERRY PARK ROAD • HAZARD, KENTUCKY 41701 • PHONE 606/436-3158

January 15, 2015

CHAIRMAN
Dale Bishop
VICE-CHAIRMAN
Scott Cornett
Mayor
TREASURER
Dennis Brooks
Judge/Executive
SECRETARY
G.C. Kincer
Mayor
PARLIAMENTARIAN
James McDannel

BOARD OF DIRECTORS

County Judge Executives
Harvey J. Richardson - Breathitt Co.
Zach Weinberg - Knott Co.
Steve Mays - Lee Co.
Jimmy Sizemore - Leslie Co.
Jim Ward - Letcher Co.
Ronnie DeBord - Owsley Co.
Denny Ray Noble - Perry Co.
Dennis Brooks - Wolfe Co.
Mayors
Rose Wollie - Jackson
Janice Jarrell - Hindman
Scott Cornett - Pippa Passes
John S. Smith - Beattyville
Lonnie Hendrix - Hyden
Susan Polis - Fleming-Neon
James W. Craft - Whitesburg
G.C. Kincer - Jenkins
Charles Long - Booneville
Johnny Cummings - Vicco
Nan Gorman - Hazard
Pat Wooton - Buckhorn
Gay Campbell - Campton
Citizen Members
Ellis Tincer
Gary Campbell
Ray D. Moore
Larry Parke
James O. Childers
Harold Craft
Floyd Johns
Hiram Cornett
Eugene Stewart
James McDannel
Jack Burkich
Dale Bishop
Derrick Bowling
Freddie Combe
Reverend John Pray
Meriwether Wash Hall
Pam Pilgrim
Roger Milligan

Executive Director
Mike D. Miller

E-Mail: mike@kradd.org
FAX NUMBER 606-436-2144
TDD NUMBER 1-800-247-2510
(Hearing Impaired)

Virgin Lee Andrews, Jr.
Fish and Wildlife Service
KY Ecological Services Field Office
330 West Broadway, Suite 265
Frankfort, KY 40601

RE: FWS 2014-B-0479

Dear Mr. Andrews:

In response to the above referenced project, and your comments thereon:

As per the attached statement for the project engineer, the Letcher County Fiscal Court does not anticipate any tree removal being required for this project, therefore does not anticipate any potential impact to any of the species listed in your letter of 5/22/15.

Should it be determined that trees must be removed during construction, construction will be halted in the area until a MOA with the USFWS could be executed.

If you have questions, or require anything further, please feel free to contact me.

Sincerely,

Annette Napier
Program Director

Enclosures

CC: David Bishop, USACOE Nashville District

From: Miller, Jessica [jessica_miller@fws.gov]
Sent: Tuesday, January 20, 2015 10:18 AM
To: Redmond, Amy C LRN
Cc: Higgs, Timothy A LRN
Subject: [EXTERNAL] Re: Tree Removal Response for CRAFTS COLLEY SANITARY SEWER EXTENSION - PHASE I; CONTRACT B - DRY FORK (UNCLASSIFIED)

Ms. Redmond,

The U.S. Fish and wildlife Service (Service) has reviewed your correspondence regarding the above-referenced project. The Service offers the following comments in accordance with the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

According to your correspondence, no trees will be impacted by the proposed project, therefore the proposed project would not alter habitat that coincides with habitat required for the Indiana bat (*Myotis sodalis*) or the northern long-eared bat (*Myotis septentrionalis*). The Service concurs that the proposed project is not likely to adversely affect the Indiana bat or the northern long-eared bat.

In view of these findings we believe that the requirements of section 7 of the Endangered Species Act have been fulfilled for this project. Your obligations under section 7 must be reconsidered, however, if: (1) new information reveals that the proposed action may affect listed species in a manner or to an extent not previously considered, including tree removal, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated.

Sincerely,

Jessi Miller

On Fri, Jan 16, 2015 at 12:31 PM, Redmond, Amy C LRN
<Amy.C.Redmond@usace.army.mil> wrote:

Classification: UNCLASSIFIED
Caveats: NONE

Dear Ms. Miller,

I am writing in regards to the request for response made by the USFWS for the Letcher County Fiscal Court's CRAFTS COLLEY SANITARY SEWER EXTENSION - PHASE I; CONTRACT B - DRY FORK project. I am currently working on the EA for this project. Back on May 22, 2014 (see attached letter) the Service wrote that Letcher County Fiscal Court needed to identify and resolve potential conflicts regarding northern long-eared bats. We received on January 15, 2015 from the Kentucky River Aras Development District letter (see attached letter) stating that there will not be tree removal with their project. However, if there is a determination during construction they will halt construction and an MOA with the Service will be executed. Does the Service concur with this response? Please let the Corps know what you determine.

Sincerely,

Amy C. Redmond
Biologist/Outreach
Project Planning Branch
U.S. Army Corps of Engineers
Nashville District

Phone: (615)736-7839
amy.c.redmond@usace.army.mil

Internet: <http://www.lrn.usace.army.mil/>
Facebook: <http://www.facebook.com/nashvillecorps>

CELRN-EC-E (200-1d)

11 February 2015

MEMORANDUM FOR RECORD

SUBJECT: Limited Phase I ESA, Letcher County, KY, Crafts
Colley Sanitary Sewer Extension, Whitesburg, KY

1. A Limited Phase I Environmental Site Assessment (ESA) was conducted on the proposed Crafts Cooley Sanitary Sewer Extension, Whitesburg, ~~Letcher~~ County, KY.
2. The ESA fulfills most portions of 40 CFR 312 All Appropriate Inquires and associated ASTM Standard E1527-13. The ESA did not include a full historical title search and environmental lien review, interview with past and present owners, and did not address vapor intrusion. It is unlikely these data gaps will impact the conclusion of the ESA. The proposed work area is road side, with no buildings, and roadways likely have been used as intended as roadways. Because there are no buildings in the proposed work area, there is no vapor intrusion into a building concern.
3. There were no HTRW recognizable environmental conditions (RECs) identified in the proposed work area. There were potential acid mine drainage areas within the vicinity of the work area, but acid mine drainage is not categorized as an HTRW REC, but is potentially a work safety concern. It is recommended that worker minimize exposure to acid water (pH less than 6) during work activities.
4. If there are any questions, please contact me, Lannae J Long at ~~Lannae.J.Long@usace.army.mil~~ usace.army.mil or ext. 2049.

Lannae J Long
Environmental Engineer,
Engineering and
Environmental Services



ENERGY AND ENVIRONMENT CABINET

Steven L. Beshear
Governor

DEPARTMENT FOR ENVIRONMENTAL PROTECTION
300 FAIR OAKS LANE
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-2150
FAX (502) 564-4245
www.dep.ky.gov

Leonard K. Peters
Secretary

R. Bruce Scott
Commissioner

March 4, 2015

Russ L. Rote, P.E., PMP, CFM
Chief, Project Planning Branch
Department of the Army
Nashville District, Corps of Engineers
P.O. Box 1070
Nashville, TN 37202-1070

Re: SERO 2015-1
Scoping for Environmental Assessment
City of Whitesburg, Letcher County, Kentucky

Mr. Rote,

The Energy and Environment Cabinet serves as the state clearinghouse for review of environmental documents generated pursuant to the National Environmental Policy Act (NEPA). Within the Cabinet, the Commissioner's Office in the Department for Environmental Protection coordinates the review for Kentucky state agencies.

We received your letter dated January 13, 2015. Your letter requested the departments input on draft environmental assessment for the City of Whitesburg. The following comments are submitted in reference to this project.

Comments from the Division of Water:

The Engineering Section of the Water Infrastructure Branch of the DOW does not oppose this project at this time; however, you need to submit Plans and Specification to the DOW for review. Construction of the wastewater component of this project shall not begin until written approval is received from the DOW.

KentuckyUnbridledSpirit.com
Employer M/F/D



An Equal Opportunity

Prior approval from DOW is required for all discharges into streams and for all wastewater treatment facilities.

There are no Outstanding State Resource Waters, Wild Rivers or known Exceptional Waters within the project area. Best management practices shall be utilized to reduce runoff from the project into adjacent surface waters.

Pursuant to KRS 151.250, an "Application to Construct Across or Along a Stream" will need to be submitted to the DOW for further review of this project. No formal approval is required for Water Withdrawal Permitting or Water Management Planning.

Comments from the Division of Waste Management:

All solid waste generated by this project must be disposed at a permitted facility. If underground storage tanks are encountered, they must be properly addressed. If asbestos, lead paint, and/or other contaminants are encountered during this project, they must be properly addressed.

Comments from the Division of Air Quality:

As this project is presented, the owner or operator of this company should comply with any applicable Division for Air Quality permitting requirements contained in 401 KAR Chapter 52 Permits, Registrations, and Prohibitory Rules located at <http://www.lrc.state.ky.us/kar/TITLE401.HTM> and <http://www.air.ky.gov/permitting/>.

Kentucky Division for Air Quality Regulation **401 KAR 63:010** Fugitive Emissions states that no person shall cause, suffer, or allow any material to be handled, processed, transported, or stored without taking reasonable precaution to prevent particulate matter from becoming airborne. Additional requirements include the covering of open bodied trucks, operating outside the work area transporting materials likely to become airborne, and that no one shall allow earth or other material being transported by truck or earth moving equipment to be deposited onto a paved street or roadway. Please note the Fugitive Emissions Fact Sheet located at <http://air.ky.gov/Pages/OpenBurning.aspx>

Kentucky Division for Air Quality Regulation **401 KAR 63:005** states that open burning is prohibited. Open Burning is defined as the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney. However, open burning may be utilized for the expressed purposes listed on the Open Burning Brochure located at <http://air.ky.gov/Pages/OpenBurning.aspx>

The Division would like to offer the following suggestions on how this project can help us stay in compliance with the NAAQS. More importantly, these strategies are beneficial to the health of citizens of Kentucky.

§ Utilize alternatively fueled equipment.

§ Utilize other emission controls that are applicable to your equipment.

§ Reduce idling time on equipment.

The Division also suggests an investigation into compliance with applicable local government regulations.

This review is based upon the information that was provided by the applicant. An endorsement of this project does not satisfy, or imply, the acceptance or issuance of any permits, certifications or approvals that may be required from this agency under Kentucky Revised Statutes or Kentucky Administrative Regulations. Such endorsement means this agency has found no major concerns from the review of the proposed project as presented other than those stated as conditions or comments.

If you should have any questions, please contact me at (502) 564-2150, ext. 3125.

Sincerely,

A handwritten signature in black ink that reads "Ronald T. Price". The signature is written in a cursive, slightly slanted style.

Ronald T. Price
State Environmental Review Officer
Kentucky Department for Environmental Protection

Appendix B

Notice of Availability and Responses (To be Updated After Public 30-Day Review)



REPLY TO
ATTENTION OF

Department of the Army
NASHVILLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1070
NASHVILLE TN 37202-1070

Project Planning Branch

To All Interested Parties:

The U.S. Army Corps of Engineers, Nashville District (USACE), has prepared a Draft Environmental Assessment (EA) and unsigned Finding of No Significant Impact (FONSI) for the Letcher County Fiscal Court's Dry Fork Addition of the Crafts Colley Sanitary Sewer Extension-Phase I Section 531 Project near the City of Whitesburg, Letcher County, Kentucky. Section 531 of the 1996 Water Resources Development Act authorizes a program whereby USACE can provide design and construction assistance for water related environmental infrastructure projects in eastern Kentucky. These projects must address wastewater, water supply and surface water resource and related problems. All projects are cost shared 75% Federal (USACE) and 25% non-Federal from the local sponsor (Letcher County Fiscal Court).

The purpose of the project is to construct additional sewage collection extensions to serve additional areas near the City of Whitesburg. The proposed project would eliminate discharges from poorly-functioning septic tanks and straight pipes near the City of Whitesburg, Kentucky. The sewage collection system addition would provide public sanitary sewer to approximately 35 new customers. The project consists of a force main with installation of residential connections, and rehabilitation of the Parkway Inn Lift Station. The sewage collection system would connect to the City of Whitesburg Sewer Collection System and be treated at the City of Whitesburg Wastewater Treatment Plant. The attached map shows the area served by the Dry Fork Addition and the location of the existing Parkway Inn Lift Station (Figure 1).

Existing failing septic tanks and straight piping creates both public health risks and water quality degradation of Dry Fork Creek and the North Fork of the Kentucky River. Dry Fork Creek is currently listed by the State of Kentucky as not fully meeting designated stream uses (primary contact recreation and aquatic life) due to pathogen levels. The proposed project would eliminate many sources of pathogens to the river and be a positive step toward improving water quality in the North Fork of the Kentucky River basin.

This EA is prepared pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality Regulations (40 CFR 1500-1508), and USACE implementing regulation, ER 200-2-2, 1988.

2

The EA evaluated two alternatives for the proposed project as described below:

- a. Alternative 1 – No Action Alternative: The No Action alternative would involve denying funding under the Section 531 program and continue the existing condition of failing septic tanks and straight piping. This is not recommended since it would result in continued degradation of public health and water quality in the area.
- b. Alternative 2 – Preferred Action Alternative: This alternative consists of installing a force main with residential connections and rehabilitating the Parkway Inn Lift Station

The EA determined that there would be no significant direct or indirect impacts from the Preferred Action Alternative. Under this alternative the environmental effects would be minor and temporary in duration. The EA identifies measures to be taken to ensure environmental effects are minimal. The EA and unsigned FONSI has been coordinated with the U.S. Fish and Wildlife Service, Kentucky Department of Fish and Wildlife Resources, and Kentucky Heritage Council. Their recommendations have been addressed in the EA.

This letter serves as Notice of Availability of the EA and the unsigned FONSI. Interested parties may review electronic copies of these documents at: <http://www.lm.usace.army.mil/Media/PublicNotices.aspx>. A copy of the EA, unsigned FONSI, and detailed plans of the project are also available for review at the Letcher County Fiscal Court Office, 156 Main Street, Whitesburg, KY 41858.

Please provide comments **no later than April 30, 2015** to ensure consideration in the EA. Email responses to: CorpsLRNPlanningPublicCom@usace.army.mil; or mail responses to the address listed above, attention Joy Broach, Aquatic Biologist. If you have questions, please contact Joy Broach at (615) 736-7956. Your participation is appreciated.

Sincerely,

Russ L. Rote, P.E., PMP, CFM
Chief, Project Planning Branch

Enclosure

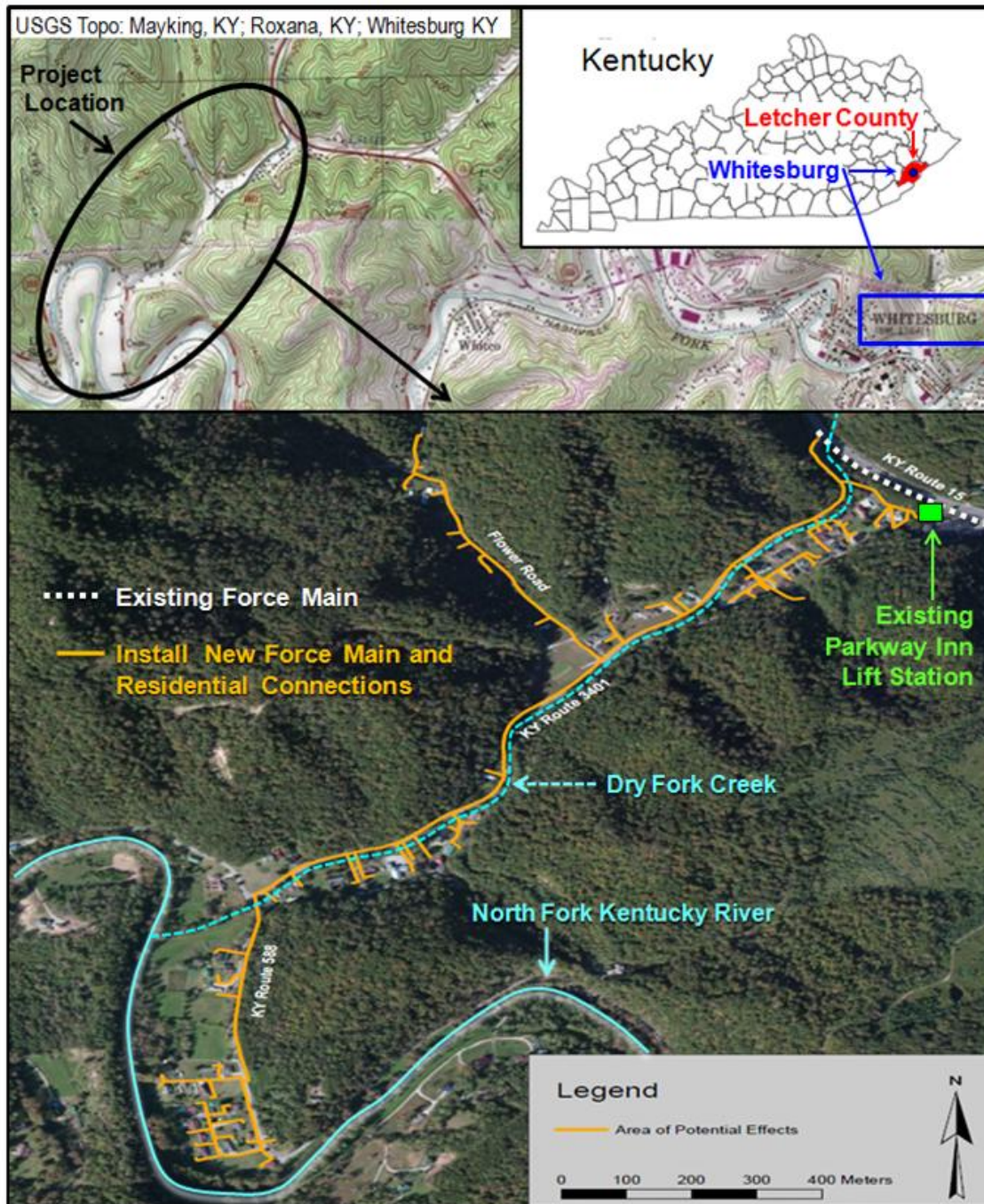
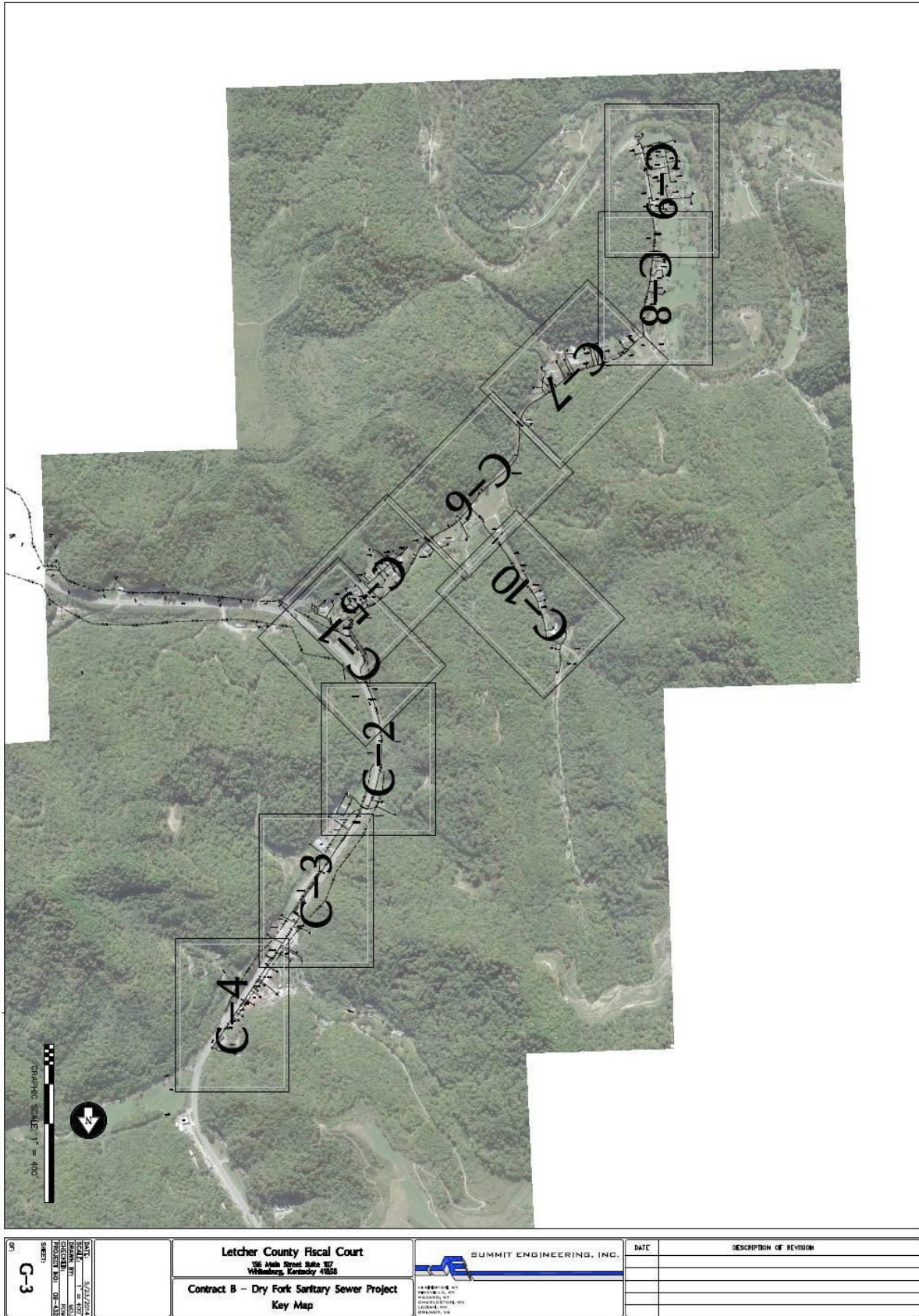


Figure 1. Whitesburg, Kentucky, Letcher County, Vicinity Map and Project Location

Appendix C

Project Maps











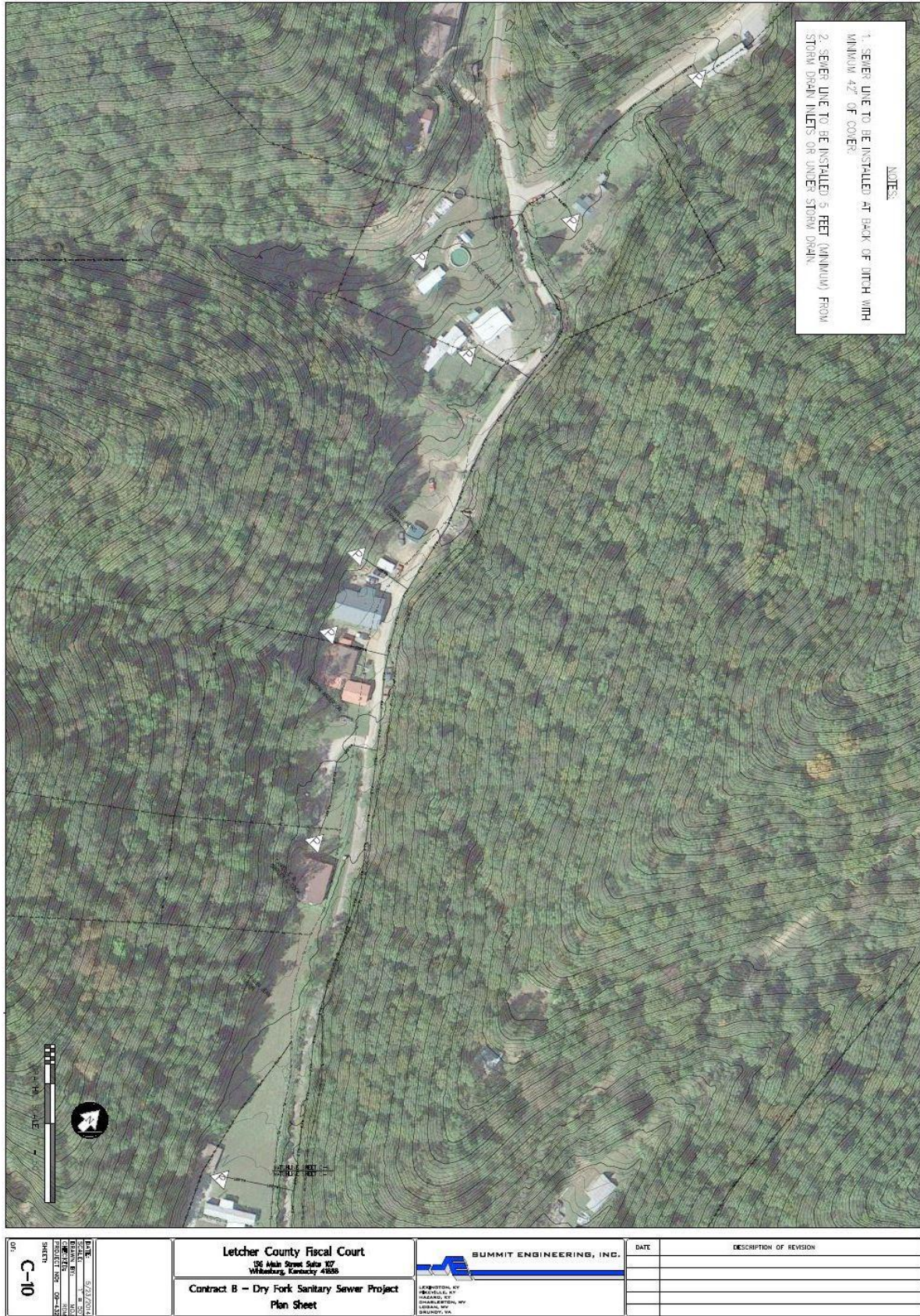












Appendix D

Section 106 – National Historic Preservation Act Coordination

Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), and its implementing regulations at 36 CFR 800 require consideration of cultural resources prior to a federal undertaking and requires consultation with the State Historic Preservation Officer (SHPO), Federally recognized tribes with a connection to the project location and other consulting parties defined at §800.3. The NHPA only affords protection to sites, buildings structures, or objects listed in or determined eligible for listing in the National Register of Historic Places (NRHP). In addition, under the Archaeological Resources Protection Act and section 110 of the NHPA, the USACE has responsibilities to protect and preserve significant archaeological sites. Archival research for this project involved consulting the NRHP, eliciting information from Native American tribes and the general public and to include state and county records. Table 1 summarizes the parties consulted, the mechanisms for consultation, and responses to the consultation. The Section 106 consultation has lead to a “no effects to historic properties” determination for the proposed project.

Table 6. Summary of Section 106 of NHPA Consultation.

Consulting Party	Initiation date	Initiation mechanism	No Effect letter sent	Concurrence to No Effect determination
Kentucky State Historic Preservation Officer	8 January 2015	1,2	8 January 2015	2 February 2015
Absentee-Shawnee Tribe of Indians of Oklahoma	8 January 2015	1,2	8 January 2015	NR
Cherokee Nation	8 January 2015	1,2	8 January 2015	NR
Chickasaw Nation	8 January 2015	1,2	8 January 2015	15 January 2015
Eastern Band of Cherokee Indians	8 January 2015	1,2	8 January 2015	NR
Eastern Shawnee Tribe of Oklahoma	8 January 2015	1,2	8 January 2015	NR
Shawnee Tribe	8 January 2015	1,2	8 January 2015	NR
United Keetoowah Band of Cherokee	8 January 2015	1,2	8 January 2015	28 January 2015

1-Notified of project in NEPA scoping notices.

2-Section 106 initiation letter sent

*Response date reflects the end of the 30 day comment period. No Response (NR) implies concurrence with the USACE finding of “no historic properties affected” as per 36 CFR 800.4(d).

In a letter to the Kentucky SHPO dated January 8, 2015, the Corps made a determination of "no effects to historic properties". The Kentucky SHPO concurred with the Corps' "no effect determination" in a letter response dated February 2, 2015.

Consultation with Federally recognized American Indian Tribes was initiated on January 8, 2015.

Chickasaw Nation– provided a response dated January 15, 2015. The Chickasaw Nation informed USACE that the proposed project area was outside their homeland region and would therefore not comment on the Federal Undertaking.

United Keetoowah Band of Cherokee Indians: provided a response dated January 28, 2015, stating no objection to the proposed project, but in the event remains or artifacts or other items of cultural significance are inadvertently discovered, construction is to cease and request to contact them telephonically or by letter

USACE did not receive a response from the following tribes; Absentee-Shawnee Tribe of Indians of Oklahoma, Cherokee Nation, Eastern Band of Cherokee Indians, Eastern Shawnee Tribe of Oklahoma, and the Shawnee Tribe. In reference to 36 CFR 800.4(d)(1)(i) no response from the remaining tribes after 30 days, implies concurrence with USACE's original findings and fulfills consultation requirements under Section 106 of the National Historic Preservation Act. This action is in compliance with the National Historic Preservation Act.



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1070
NASHVILLE, TENNESSEE 37202-1070

IN REPLY REFER TO

Project Planning Branch

JAN 08 2015

Mr. Craig Potts
State Historic Preservation Officer
Kentucky Heritage Council
300 Washington Street
Frankfort, Kentucky 40601

Dear Mr. Potts:

The U.S. Army Corps of Engineers (USACE), Nashville District has entered into a Section 531 agreement with the Letcher County Fiscal Court of Kentucky to help subsidize the county's proposed plan to install a new section of force main sewer line near Whitesburg, Letcher County, Kentucky. The agreement involves partial funding for a section of sewer line that would run along Dry Fork Road. USACE defines funding this project as an undertaking with the potential to cause effects on historic properties and requests to initiate consultation under Section 106 of the National Historic Preservation Act. USACE only recognizes the proposed Dry Fork sewer line section to be under their jurisdictional control since Federal funding is only devoted to this portion of Letcher County's project. Enclosure 1 depicts a topographic map of the proposed project area on portions of Mayking, Roxana and Whitesburg, KY U.S.G.S. topographic quadrangle (7.5' series).

The proposed project location of the Dry Fork sewer line is situated approximately 2.4 miles west of Whitesburg, Kentucky. The proposed project would involve installing approximately 5,700 meters of force main sewer line along KY Route 588 (Dry Fork Road), KY Route 3401 and Flower Road. The sewer line would consist of three primary segments spanning a distance of 2,725 meters and an additional 2,975 meters of off-shoot sewer lines that would supply sewage hook-ups to residences located in the project area. The first sewer line segment would begin at the junction of KY Route 15 and KY Route 3401 and head south for approximately 1,500 meters before converging onto KY Route 588. The second segment would begin at this road juncture and continue south on KY Route 588 for another 625 meters before terminating just beyond Eagle Creek Road. The third sewer line segment would branch off of KY Route 3401 and lead westward onto Flower Road for approximately 600 meters before terminating.

Primary segments of the proposed sewer line would be entrenched along the shoulder of the road to an approximate depth of 3.5 feet. Sections involving road

- 2 -

crossings would be installed using directional boring techniques. Off-shoot sewer lines supplying sewage access would be installed along residential streets, walkways, and driveways. USACE defines the area of potential effect (APE) as the footprint of the project undertaking. Since the proposed project would involve burying a sewer line, USACE believes there would be no visual elements introduced to the viewshed. Therefore the nature of this undertaking precludes visual effects to historic properties. Enclosure 2 presents aerial maps of the APE.

A search of USACE site files and cultural resource site reports indicates no known sites exist within the physical APE. In a letter response to the applicant's consultant, Kentucky River Area Development District (KRADD), dated 6 June 2014, the Kentucky Heritage Council (KHC) indicated that the proposed project should not have any effects on historic properties. This decision was based on the fact that the proposed sewer line would be installed in previously disturbed areas. USACE concurs with this decision and believes that the proposed Dry Fork section of Letcher County's sewer line project would have a low potential for intact cultural deposits. The proposed sewer line would be installed in areas previously disturbed from the construction of existing roads and residential development. Based on these conditions, USACE recommends no further investigations and seeks your comments to proceed with funding this undertaking. Enclosure 3 presents a copy of the KHC's correspondence to KRADD regarding the project undertaking.

USACE requests a review of the proposed project and finding of "no historic properties affected." Please contact Jordan C. McIntyre at (615) 736-7837 or jordan.c.mcintyre@usace.army.mil if you require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Russ L. Rote", with a stylized flourish at the end.

Russ L. Rote, P.E., PMP, CFM
Chief, Project Planning Branch

Enclosures



STEVEN L. BESHEAR
GOVERNOR

**TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY HERITAGE COUNCIL**

BOB STEWART
SECRETARY

THE STATE HISTORIC PRESERVATION OFFICE
300 WASHINGTON STREET
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-7005
FAX (502) 564-5820
www.heritage.ky.gov

CRAIG A. POTTS
EXECUTIVE DIRECTOR AND
STATE HISTORIC PRESERVATION OFFICER

February 2, 2015

Department of the Army
Nashville District, Corps of Engineers
Attn: Russ Rote and Jordan McIntyre
P.O. Box 1070
Nashville, TN 37202-1070

Re: Dry Fork Sewer Line

Dear Mr. Rote

Thank you for your correspondence concerning the above referenced project. I concur with your finding of no adverse effect to historic properties to the Dry Fork sewer line outlined in your correspondence. If any work is proceeding beyond the area presented in your submission then the Letcher County Fiscal Court should contact our office to ensure that no other work is required under agreements with other federal agencies.

Should you have any questions, feel free to contact Yvonne Sherrick of my staff at 564-7005, ext. 113.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig A. Potts".

Craig A. Potts
Executive Director and
State Historic Preservation Officer

CP:43320/43325

KentuckyUnbridledSpirit.com



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- 2 -

burying a sewer line. USACE believes there would be no visual elements introduced to the viewshed. Therefore the nature of this undertaking precludes visual effects to historic properties.

A search of USACE site files and cultural resource site reports indicates no known sites exist within the physical APE. USACE believes that the proposed Dry Fork section of Letcher County's sewer line project would have a low potential for intact cultural deposits. The proposed sewer line would be installed in areas previously disturbed from the construction of existing roads and residential development. Based on these conditions, USACE recommends no further investigations and seeks your comments to proceed with funding this undertaking.

A copy of this letter, supporting documentation including project maps with APE is being forwarded to your historic preservation staff. Please provide us with your comments regarding a finding of "no historic properties affected" and any recommendations. If you require additional information please contact Jordan C. McIntyre at (615) 736-7837 or jordan.c.mcintyre@usace.army.mil if you require additional information.

Sincerely,



Russ L. Rote, P.E., PMP, CFM
Chief, Project Planning Branch



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1073
NASHVILLE, TENNESSEE 37202-1070

IN REPLY REFER TO

Project Planning Branch

JAN 08 2015

Chairperson Ron Sparkman
Shawnee Tribe
P.O. Box 189
Miami, Oklahoma 74355

Dear Chairperson Sparkman:

The U.S. Army Corps of Engineers (USACE), Nashville District has entered into a Section 531 agreement with the Letcher County Fiscal Court of Kentucky to help subsidize the county's proposed plan to install a new section of force main sewer line near Whitesburg, Letcher County, Kentucky. The agreement involves partial funding for a section of sewer line that would run along Dry Fork Road. USACE defines funding this project as an undertaking with the potential to cause effects on historic properties and requests to initiate consultation under Section 106 of the National Historic Preservation Act. USACE only recognizes the proposed Dry Fork sewer line section to be under their jurisdictional control since Federal funding is only devoted to this portion of Letcher County's project.

The proposed project location of the Dry Fork sewer line is situated approximately 2.4 miles west of Whitesburg, Kentucky. The proposed project would involve installing approximately 5,700 meters of force main sewer line along KY Route 588 (Dry Fork Road), KY Route 3401 and Flower Road. The sewer line would consist of three primary segments spanning a distance of 2,725 meters and an additional 2,975 meters of off-shoot sewer lines that would supply sewage hook-ups to residences located in the project area. The first sewer line segment would begin at the junction of KY Route 15 and KY Route 3401 and head south for approximately 1,500 meters before converging onto KY Route 588. The second segment would begin at this road juncture and continue south on KY Route 588 for another 625 meters before terminating just beyond Eagle Creek Road. The third sewer line segment would branch off of KY Route 3401 and lead westward onto Flower Road for approximately 600 meters before terminating.

Primary segments of the proposed sewer line would be entrenched along the shoulder of the road to an approximate depth of 3.5 feet. Sections involving road crossings would be installed using directional boring techniques. Off-shoot sewer lines supplying sewage access would be installed along residential streets, walkways, and driveways. USACE defines the area of potential effect (APE) as the footprint of the project undertaking. Since the proposed project would involve

- 2 -

burying a sewer line, USACE believes there would be no visual elements introduced to the viewshed. Therefore the nature of this undertaking precludes visual effects to historic properties.

A search of USACE site files and cultural resource site reports indicates no known sites exist within the physical APE. USACE believes that the proposed Dry Fork section of Letcher County's sewer line project would have a low potential for intact cultural deposits. The proposed sewer line would be installed in areas previously disturbed from the construction of existing roads and residential development. Based on these conditions, USACE recommends no further investigations and seeks your comments to proceed with funding this undertaking.

A copy of this letter, supporting documentation including project maps with APE is being forwarded to your historic preservation staff. Please provide us with your comments regarding a finding of "no historic properties affected" and any recommendations. If you require additional information please contact Jordan C. McIntyre at (615) 736-7837 or jordan.c.mcintyre@usace.army.mil if you require additional information.

Sincerely,



Russ L. Role, P.E., PMP, CFM
Chief, Project Planning Branch

DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1070
NASHVILLE, TENNESSEE 37202-1070



IN REPLY REFER TO

Project Planning Branch

JAN 08 2015

Chief George Wickliffe
United Keetoowah Band of Cherokee Indians
P.O. Box 746
Tahlequah, Oklahoma 74464-0746

Dear Chief George Wickliffe:

The U.S. Army Corps of Engineers (USACE), Nashville District has entered into a Section 531 agreement with the Letcher County Fiscal Court of Kentucky to help subsidize the county's proposed plan to install a new section of force main sewer line near Whitesburg, Letcher County, Kentucky. The agreement involves partial funding for a section of sewer line that would run along Dry Fork Road. USACE defines funding this project as an undertaking with the potential to cause effects on historic properties and requests to initiate consultation under Section 106 of the National Historic Preservation Act. USACE only recognizes the proposed Dry Fork sewer line section to be under their jurisdictional control since Federal funding is only devoted to this portion of Letcher County's project.

The proposed project location of the Dry Fork sewer line is situated approximately 2.4 miles west of Whitesburg, Kentucky. The proposed project would involve installing approximately 5,700 meters of force main sewer line along KY Route 588 (Dry Fork Road), KY Route 3401 and Flower Road. The sewer line would consist of three primary segments spanning a distance of 2,725 meters and an additional 2,975 meters of off-shoot sewer lines that would supply sewage hook-ups to residences located in the project area. The first sewer line segment would begin at the junction of KY Route 15 and KY Route 3401 and head south for approximately 1,500 meters before converging onto KY Route 588. The second segment would begin at this road juncture and continue south on KY Route 588 for another 625 meters before terminating just beyond Eagle Creek Road. The third sewer line segment would branch off of KY Route 3401 and lead westward onto Flower Road for approximately 500 meters before terminating.

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DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1070
NASHVILLE, TENNESSEE 37262-1070

IN REPLY REFER TO:

Project Planning Branch

JAN 08 2015

Governor George Blanchard
Absentee-Shawnee Tribe of Indians of Oklahoma
2025 S. Gordon Cooper Dr.
Shawnee, Oklahoma 74801-9381

Dear Governor Blanchard:

The U.S. Army Corps of Engineers (USACE), Nashville District has entered into a Section 531 agreement with the Letcher County Fiscal Court of Kentucky to help subsidize the county's proposed plan to install a new section of force main sewer line near Whitesburg, Letcher County, Kentucky. The agreement involves partial funding for a section of sewer line that would run along Dry Fork Road. USACE defines funding this project as an undertaking with the potential to cause effects on historic properties and requests to initiate consultation under Section 106 of the National Historic Preservation Act. USACE only recognizes the proposed Dry Fork sewer line section to be under their jurisdictional control since Federal funding is only devoted to this portion of Letcher County's project.

The proposed project location of the Dry Fork sewer line is situated approximately 2.4 miles west of Whitesburg, Kentucky. The proposed project would involve installing approximately 5,700 meters of force main sewer line along KY Route 588 (Dry Fork Road), KY Route 3401 and Flower Road. The sewer line would consist of three primary segments spanning a distance of 2,725 meters and an additional 2,975 meters of off-shoot sewer lines that would supply sewage hook-ups to residences located in the project area. The first sewer line segment would begin at the junction of KY Route 15 and KY Route 3401 and head south for approximately 1,500 meters before converging onto KY Route 588. The second segment would begin at this road juncture and continue south on KY Route 588 for another 625 meters before terminating just beyond Eagle Creek Road. The third sewer line segment would branch off of KY Route 3401 and lead westward onto Flower Road for approximately 500 meters before terminating.

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- 2 -

burying a sewer line, USACE believes there would be no visual elements introduced to the viewshed. Therefore the nature of this undertaking precludes visual effects to historic properties.

A search of USACE site files and cultural resource site reports indicates no known sites exist within the physical APE. USACE believes that the proposed Dry Fork section of Letcher County's sewer line project would have a low potential for intact cultural deposits. The proposed sewer line would be installed in areas previously disturbed from the construction of existing roads and residential development. Based on these conditions, USACE recommends no further investigations and seeks your comments to proceed with funding this undertaking.

A copy of this letter, supporting documentation including project maps with APE is being forwarded to your historic preservation staff. Please provide us with your comments regarding a finding of "no historic properties affected" and any recommendations. If you require additional information please contact Jordan C. McIntyre at (615) 736-7837 or jordan.c.mcintyre@usace.army.mil if you require additional information.

Sincerely,

Russ L. Role, P.E., PMP, CFM
Chief, Project Planning Branch

- 2 -

the footprint of the project undertaking. Since the proposed project would involve burying a sewer line, USACE believes there would be no visual elements introduced to the watershed. Therefore the nature of this undertaking precludes visual effects to historic properties.

A search of USACE site files and cultural resource site reports indicates no known sites exist within the physical APE. USACE believes that the proposed Dry Fork section of Letcher County's sewer line project would have a low potential for intact cultural deposits. The proposed sewer line would be installed in areas previously disturbed from the construction of existing roads and residential development. Based on these conditions, USACE recommends no further investigations and seeks your comments to proceed with funding this undertaking.

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Sincerely,



Russ L. Rote, P.E., PMP, CFM
Chief, Project Planning Branch



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1070
NASHVILLE, TENNESSEE 37202-1070

IN REPLY REFER TO

Project Planning Branch

JAN 08 2015

Ms. Robin DuShane
Tribal Historic Preservation Officer
Eastern Shawnee Tribe of Oklahoma
P.O. Box 350
Seneca, MO 64855

Dear Ms. DuShane

The U.S. Army Corps of Engineers (USACE), Nashville District has entered into a Section 531 agreement with the Letcher County Fiscal Court of Kentucky to help subsidize the county's proposed plan to install a new section of force main sewer line near Whitesburg, Letcher County, Kentucky. The agreement involves partial funding for a section of sewer line that would run along Dry Fork Road. USACE defines funding this project as an undertaking with the potential to cause effects on historic properties and requests to initiate consultation under Section 106 of the National Historic Preservation Act. USACE only recognizes the proposed Dry Fork sewer line section to be under their jurisdictional control since Federal funding is only devoted to this portion of Letcher County's project.

The proposed project location of the Dry Fork sewer line is situated approximately 2.4 miles west of Whitesburg, Kentucky. The proposed project would involve installing approximately 5,700 meters of force main sewer line along KY Route 588 (Dry Fork Road), KY Route 3401 and Flower Road. The sewer line would consist of three primary segments spanning a distance of 2,725 meters and an additional 2,975 meters of off-shoot sewer lines that would supply sewage hook-ups to residences located in the project area. The first sewer line segment would begin at the junction of KY Route 15 and KY Route 3401 and head south for approximately 1,500 meters before converging onto KY Route 588. The second segment would begin at this road juncture and continue south on KY Route 588 for another 625 meters before terminating just beyond Eagle Creek Road. The third sewer line segment would branch off of KY Route 3401 and lead westward onto Flower Road for approximately 600 meters before terminating.

Primary segments of the proposed sewer line would be entrenched along the shoulder of the road to an approximate depth of 3.5 feet. Sections involving road crossings would be installed using directional boring techniques. Off-shoot sewer lines supplying sewage access would be installed along residential streets, walkways, and driveways. USACE defines the area of potential effect (APE) as

- 2 -

Project Planning Branch

JAN 08 2015

Ms. LaDonna Brown
Chickasaw Nation
P.O. Box 1548
Ada, Oklahoma 74821-1548

Dear Ms. Brown:

The U.S. Army Corps of Engineers (USACE), Nashville District has entered into a Section 531 agreement with the Letcher County Fiscal Court of Kentucky to help subsidize the county's proposed plan to install a new section of force main sewer line near Whitesburg, Letcher County, Kentucky. The agreement involves partial funding for a section of sewer line that would run along Dry Fork Road. USACE defines funding this project as an undertaking with the potential to cause effects on historic properties and requests to initiate consultation under Section 106 of the National Historic Preservation Act. USACE only recognizes the proposed Dry Fork sewer line section to be under their jurisdictional control since Federal funding is only devoted to this portion of Letcher County's project.

The proposed project location of the Dry Fork sewer line is situated approximately 2.4 miles west of Whitesburg, Kentucky. The proposed project would involve installing approximately 5,700 meters of force main sewer line along KY Route 588 (Dry Fork Road), KY Route 3401 and Flower Road. The sewer line would consist of three primary segments spanning a distance of 2,725 meters and an additional 2,975 meters of off-shoot sewer lines that would supply sewage hook-ups to residences located in the project area. The first sewer line segment would begin at the junction of KY Route 15 and KY Route 3401 and head south for approximately 1,500 meters before converging onto KY Route 588. The second segment would begin at this road juncture and continue south on KY Route 588 for another 625 meters before terminating just beyond Eagle Creek Road. The third sewer line segment would branch off of KY Route 3401 and lead westward onto Flower Road for approximately 800 meters before terminating.

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burying a sewer line, USACE believes there would be no visual elements introduced to the viewshed. Therefore the nature of this undertaking precludes visual effects to historic properties.

A search of USACE site files and cultural resource site reports indicates no known sites exist within the physical APE. USACE believes that the proposed Dry Fork section of Letcher County's sewer line project would have a low potential for intact cultural deposits. The proposed sewer line would be installed in areas previously disturbed from the construction of existing roads and residential development. Based on these conditions, USACE recommends no further investigations and seeks your comments to proceed with funding this undertaking.

A copy of this letter, supporting documentation including project maps with APE is being forwarded to your email address. Please provide us with your comments regarding a finding of "no historic properties affected" and any recommendations. If you require additional information please contact Jordan C. McIntyre at (615) 736-7837 or jordan.c.mcintyre@usace.army.mil if you require additional information.

Sincerely,



Russ L. Rote, P.E., PMP, CFM
Chief, Project Planning Branch



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
ATTENTION: PROJECT PLANNING BRANCH
NASHVILLE, TENNESSEE 37202-1070

IN REPLY REFER TO

- 2 -

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Sincerely,



Russ L. Rote, P.E., PMP, CFM
Chief, Project Planning Branch

DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1070
NASHVILLE, TENNESSEE 37202-1070

IN REPLY, REFER TO

Project Planning Branch

JAN 08 2015

Principal Chief Chad Smith
Cherokee Nation
P.O. Box 948
Tahlequah, Oklahoma 74465-0948

Dear Principal Chief Chad Smith:

The U.S. Army Corps of Engineers (USACE), Nashville District has entered into a Section 531 agreement with the Letcher County Fiscal Court of Kentucky to help subsidize the county's proposed plan to install a new section of force main sewer line near Whitesburg, Letcher County, Kentucky. The agreement involves partial funding for a section of sewer line that would run along Dry Fork Road. USACE defines funding this project as an undertaking with the potential to cause effects on historic properties and requests to initiate consultation under Section 106 of the National Historic Preservation Act. USACE only recognizes the proposed Dry Fork sewer line section to be under their jurisdictional control since Federal funding is only devoted to this portion of Letcher County's project.

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DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 1070
NASHVILLE, TENNESSEE 37262-1070

IN REPLY REFER TO

Project Planning Branch

JAN 08 2015

Principal Chief Mitchell Hicks
Eastern Band of Cherokee Indians
Qualla Boundary
P.O. Box 445
Cherokee, North Carolina 28719

Dear Chief Hicks:

The U.S. Army Corps of Engineers (USACE), Nashville District has entered into a Section 531 agreement with the Letcher County Fiscal Court of Kentucky to help subsidize the county's proposed plan to install a new section of force main sewer line near Whitesburg, Letcher County, Kentucky. The agreement involves partial funding for a section of sewer line that would run along Dry Fork Road. USACE defines funding this project as an undertaking with the potential to cause effects on historic properties and requests to initiate consultation under Section 106 of the National Historic Preservation Act. USACE only recognizes the proposed Dry Fork sewer line section to be under their jurisdictional control since Federal funding is only devoted to this portion of Letcher County's project.

The proposed project location of the Dry Fork sewer line is situated approximately 2.4 miles west of Whitesburg, Kentucky. The proposed project would involve installing approximately 5,700 meters of force main sewer line along KY Route 588 (Dry Fork Road), KY Route 3401 and Flower Road. The sewer line would consist of three primary segments spanning a distance of 2,725 meters and an additional 2,975 meters of off-shoot sewer lines that would supply sewage hook-ups to residences located in the project area. The first sewer line segment would begin at the junction of KY Route 15 and KY Route 3401 and head south for approximately 1,500 meters before converging onto KY Route 588. The second segment would begin at this road juncture and continue south on KY Route 588 for another 625 meters before terminating just beyond Eagle Creek Road. The third sewer line segment would branch off of KY Route 3401 and lead westward onto Flower Road for approximately 600 meters before terminating.

Primary segments of the proposed sewer line would be entrenched along the shoulder of the road to an approximate depth of 3.5 feet. Sections involving road crossings would be installed using directional boring techniques. Off-shoot sewer lines supplying sewage access would be installed along residential streets, walkways, and driveways. USACE defines the area of potential effect (APE) as

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burying a sewer line, USACE believes there would be no visual elements introduced to the viewshed. Therefore the nature of this undertaking precludes visual effects to historic properties.

A search of USACE site files and cultural resource site reports indicates no known sites exist within the physical APE. USACE believes that the proposed Dry Fork section of Letcher County's sewer line project would have a low potential for intact cultural deposits. The proposed sewer line would be installed in areas previously disturbed from the construction of existing roads and residential development. Based on these conditions, USACE recommends no further investigations and seeks your comments to proceed with funding this undertaking.

A copy of this letter, supporting documentation including project maps with APE is being forwarded to your historic preservation staff. Please provide us with your comments regarding a finding of "no historic properties affected" and any recommendations. If you require additional information please contact Jordan C. McIntyre at (615) 736-7837 or jordan.c.mcintyre@usace.army.mil. If you require additional information.

Sincerely,

Russ L. Role, P.E., PMP, CFM
Chief, Project Planning Branch

McIntyre, Jordan C LRN

From: Timothy Baugh [Timothy.Baugh@chickasaw.net]
Sent: Thursday, January 15, 2015 1:01 PM
To: McIntyre, Jordan C LRN
Subject: [EXTERNAL] RE: Letcher County, KY
Attachments: Kentucky.pdf

Hi Jordan,

Please note that far eastern Kentucky is outside of the homeland region of the Chickasaw Nation. As a result, we will not be commenting on the Section 531 agreement to subsidize the main sewer line near Whitesburg. I have attached a map of KY showing our interest in the western part of the State. The Chickasaw Nation appreciates your efforts to preserve and protect significant historic properties.

Tim

Timothy G. Baugh, PhD

Tribal Historic Preservation Officer

Division of Historic Preservation

Chickasaw Nation

P. O. Box 1548

Ada, OK 74821-1548

580.272.1106

Ext. 62211

timothy.baugh@chickasaw.net

From: Lisa LaRue-Baker - URB THPO
To: McIntyre, Jordan C LRN
Cc: Elizabeth Bus? [EXTERNAL]
Subject: [EXTERNAL] Letcher County TN Whitesburg main sewer line
Date: Wednesday, January 23, 2015 3:52:30 PM

The United Keetoowah Band of Cherokee Indians in Oklahoma has reviewed your project under Section 106 of the NHPA, and at this time, have no comments or objections. Should any human remains be inadvertently discovered, please cease all work and contact us immediately.

The United Keetoowah Band of Cherokee Indians reserves the right to re-enter consultation at any time on this project.

Thank you,

Lisa C. Baker
 Acting THPO
 United Keetoowah Band of Cherokee Indians in Oklahoma
 PO Box 746
 Tahlequah, OK 74465

c 918.822.1952
ukbthpo-larue@yahoo.com

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